

EXHIBIT E1

1 of 4

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRI-STATE DISPOSAL, INC., an
Illinois corporation,
Plaintiff,

v.

Case No.

THE VILLAGE OF RIVERDALE, a
municipal corporation;
LAWRENCE L. JACKSON, Mayor
of the Village of Riverdale,
Defendants.

18-CV-02138

VIDEOCONFERENCE DEPOSITION OF
LAWRENCE L. JACKSON

DATE: Thursday, February 25, 2021

TIME: 10:00 a.m.

LOCATION: Remote Deposition - IL
Chicago, IL 60601

REPORTED BY: Victoria Rock, Notary Public

JOB No.: 4471768

<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 REPORTER: Good morning, everyone. My</p> <p>3 name is Victoria Rock; I am the officer assigned by</p> <p>4 Veritext to take the Zoom record of this proceeding.</p> <p>5 I am a certified court reporter and a notary</p> <p>6 authorized to take acknowledgements and administer</p> <p>7 oaths in Illinois. We are now on the record.</p> <p>8 This is the deposition of Lawrence</p> <p>9 Jackson taken in the matter of Tri-State Disposal,</p> <p>10 Inc., et al. vs. The Village of Riverdale et al. at</p> <p>11 10:00 a.m. Central time on Thursday, February 25,</p> <p>12 2021, at 11950 South Harlem in Palos Heights,</p> <p>13 Illinois.</p> <p>14 Due to the pandemic and out of concern</p> <p>15 for public and participant safety, parties agree that</p> <p>16 I will swear in the witness remotely outside of his</p> <p>17 presence.</p> <p>18 Absent an objection on the record</p> <p>19 before the witness is sworn, all parties and the</p> <p>20 witness understand and agree that any certified</p> <p>21 transcript produced from the recording virtually of</p> <p>22 this proceeding:</p> <p>23 - is intended for all purposes and</p> <p>24 uses permitted under applicable</p>	<p style="text-align: right;">Page 8</p> <p>1 REPORTER: Okay. All right. All</p> <p>2 right. Thank you. Hearing no objection, I will swear</p> <p>3 the witness.</p> <p>4 Mr. Jackson, will you raise your right</p> <p>5 hand.</p> <p>6 WHEREUPON,</p> <p>7 LAWRENCE L. JACKSON,</p> <p>8 called as a witness, and having been first duly sworn</p> <p>9 to tell the truth, the whole truth and nothing but the</p> <p>10 truth, was examined and testified as follows:</p> <p>11 REPORTER: Thank you. All right.</p> <p>12 We're ready to proceed, Counsel.</p> <p>13 EXAMINATION</p> <p>14 BY MR. LAROSE:</p> <p>15 Q Good morning. Mayor Jackson, state your</p> <p>16 full name for the record, please.</p> <p>17 A Lawrence Lee Jackson.</p> <p>18 Q Where do you live?</p> <p>19 A 14501 South Union Avenue, Riverdale,</p> <p>20 Illinois 60827.</p> <p>21 Q You married?</p> <p>22 A Yes, sir.</p> <p>23 Q You have children?</p> <p>24 A I have a two-year-old daughter.</p>
<p style="text-align: right;">Page 7</p> <p>1 procedural and evidentiary rules and</p> <p>2 laws in the same manner as a</p> <p>3 deposition recorded by stenographic</p> <p>4 means; and</p> <p>5 - shall constitute written stipulation</p> <p>6 of such.</p> <p>7 At this time, will everyone appearing</p> <p>8 remotely please identify yourself, and we will start</p> <p>9 with Mr. LaRose.</p> <p>10 MR. LAROSE: Hi, Victoria. Mark</p> <p>11 LaRose, on behalf of the plaintiff, and I agree with</p> <p>12 your statement on the swearing the witness.</p> <p>13 REPORTER: Okay. And Ms. Alaska.</p> <p>14 MS. ALASKA: I am Marissa Alaska on</p> <p>15 behalf of the plaintiff.</p> <p>16 REPORTER: Okay. And then, Ms. Blake.</p> <p>17 MS. BLAKE: Erin Blake on behalf of the</p> <p>18 defendants.</p> <p>19 REPORTER: Okay. And then Mr. Jackson.</p> <p>20 MR. JACKSON: I'm Lawrence L. Jackson,</p> <p>21 Village of Riverdale.</p> <p>22 REPORTER: Okay. And then Mr. Germany.</p> <p>23 MR. GERMANY. Yes. I'm Jeff Germany of</p> <p>24 Tri-State Disposal.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q Have you ever given a deposition before?</p> <p>2 A No.</p> <p>3 Q Okay. Are you taking any kind of medication</p> <p>4 that would impair your ability to testify truthfully?</p> <p>5 A No.</p> <p>6 Q Have you ever been convicted of -- I don't</p> <p>7 care about traffic violations, a felony, or any other</p> <p>8 crime involving moral turpitude or dishonesty or fraud</p> <p>9 or anything like that?</p> <p>10 A No.</p> <p>11 Q Okay. Since you've never given a deposition</p> <p>12 before, and even if you had, I'm going to go over a</p> <p>13 couple of rules. First rule, your answers must be</p> <p>14 verbal rather than the nod of a head, or shrug of the</p> <p>15 shoulders, or an uh-huh, or an uh-uh. Okay?</p> <p>16 A Yes.</p> <p>17 Q Okay. Second, this is a deposition, not an</p> <p>18 inquisition. If you need to take a break, just say</p> <p>19 so, but you can't do it if there's a pending question.</p> <p>20 If there's a pending question, answer the question,</p> <p>21 then say, "I want to take a break.. Then we'll decide</p> <p>22 how long we're going to take a break and we'll do</p> <p>23 that. Okay?</p> <p>24 A Correct.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q All right. Especially, this would happen if 2 we were in person, but especially online, we can't 3 talk over one another. Otherwise, Victoria is going 4 to chastise us, and the record's going to be a mess. 5 So let me finish my question. If Erin has anything to 6 say or any objection, let her finish her objection, 7 and then you can answer so we don't talk over one 8 another. Fair enough? 9 A Yes. 10 Q I'm going to try my best to ask clear 11 questions. Sometimes that's not always the case. 12 Erin always asks clear questions. I don't, 13 necessarily. But I'm going to try my best to ask 14 questions that you understand. If you don't 15 understand the question, just ask me or say you don't 16 understand it, and I'll try my best to clarify it or 17 rephrase it, so you do understand it. Fair enough? 18 A Thank you. 19 Q All right. The corollary is, if I ask a 20 question and you answer it, I'm going to assume you 21 understood it. Fair enough? 22 A Fair enough. 23 Q Okay. I want to talk briefly about what you 24 did in preparation for your deposition. I know you</p>	<p style="text-align: right;">Page 12</p> <p>1 shouldn't say that. I do care about your personal 2 life, but I'm not going to ask you about that. Do you 3 keep a diary with respect to the Village of Riverdale? 4 A No, sir. 5 Q How do you keep track of where you have to 6 be and what you have to do? 7 A That would be handled by my executive 8 assistant, Ms. Randolph. 9 Q Okay. I asked you where you live. Do you 10 have any plans to move from your current home? 11 A No, sir. 12 Q What's your highest level of education, 13 Mayor? 14 A I graduated from Governors State University 15 in 2005 with a Master of Arts in political science. 16 Q And where did you get your undergrad? 17 A You and I attended the same school. SIUC. 18 1999, BA in American history. 19 Q I'm curious how you knew I went to SIU. 20 A You told me. We met a few years ago in the 21 conference room when you had a developer that was 22 interested in coming into town. 23 Q Okay. I don't remember that, but I don't 24 remember what I had --</p>
<p style="text-align: right;">Page 11</p> <p>1 talked to your lawyer. I don't care about that. 2 That's privileged. Who else did you talk to prior to 3 your deposition related to preparing for your 4 deposition? 5 A No one. 6 Q Did you talk to Gonzalez about his 7 deposition? 8 A No, sir. 9 Q Did you talk to Jerome Russell about his 10 deposition? 11 A No, sir. 12 Q Did you review the transcript of either Dave 13 Gonzalez's or Jerome Russell's depositions prior to 14 your deposition? 15 A No, sir. 16 Q Did you review any other documents, or any 17 documents, I guess, in preparation for your deposition 18 today? 19 A No, sir. 20 Q Do you keep, like, a personal diary, like a, 21 you know, whether it's an appointment book, diary of 22 the things that happened during the day. And I'm 23 talking about business-wise, not personal. Really 24 couldn't care about your personal life. I mean, I</p>	<p style="text-align: right;">Page 13</p> <p>1 A You told me then. 2 Q No. No. No. I remember the meeting. I 3 don't remember talking about SIU, but I don't remember 4 what I had for breakfast this morning, either. So 5 that's -- well. Anyway. No, I remember that meeting 6 very well. So anyway, so you went to SIU. Did you go 7 from like '95 to '99? 8 A No. I was on the extended plan. I was 9 there from, like '92 to '99, and actually, I had taken 10 a sabbatical and decided to go back. 11 Q Okay. There's a lot of folks that went to 12 SIU that were on the seven-year plan. I have a good 13 buddy of mine who went there for five years and got 14 four credits. Anyway, challenging place to keep your 15 nose to the books, so they say. Let's talk about your 16 job experience. Did you have a full-time job before 17 you started at SIU? 18 A Before SIU, I was in high school then. 19 Q Okay. So where did you go to high school? 20 A Near North High School, Chicago Public 21 Schools. 22 Q Okay. So you graduated there and then moved 23 right into SIU in 1992? 24 A Yes.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q Okay. So then you said you went to SIU for 2 a while, took a sabbatical. Approximately when was 3 that? 4 A That was approximately 1997. I returned 5 back to Chicago. I drove school buses for a few 6 years, and from there, I had taken online to complete 7 my hours to get my BA. 8 Q So the online courses were SIUC courses? 9 A Yes. 10 Q So you didn't return to Carbondale? 11 A No. 12 Q Okay. And you drove a school bus for what 13 district? 14 A Chicago School Transit in Skokie. 15 Q All right. And was that your first 16 full-time job? 17 A Yes. 18 Q Okay. Tell me about your next full-time 19 job. 20 A Once I graduated SIU, I then started working 21 for Loyola University, Chicago. I worked in the 22 campus police department as a police dispatcher, and I 23 did that for three years. 24 Q And did you say that was Loyola? I'm sorry.</p>	<p style="text-align: right;">Page 16</p> <p>1 promise you. And how long did you work for the Cook 2 County Correctional Department? 3 A Approximately 12 years. 4 Q All at 26 and Cal? 5 A Yes. 6 Q What was your next full-time job? 7 A Mayor of the Village of Riverdale. 8 Q So you don't have any other work except 9 being the mayor? 10 A That's correct. 11 Q How much does that job paid you? 12 A My -- my current salary is approximately 13 \$72,000 annually. 14 Q Okay. Are you involved in any other side 15 businesses? 16 A What do you mean when you say "side 17 business"? 18 Q Anything other than being the Mayor of the 19 Village of Riverdale. 20 A In a -- in an employment capacity, or as an 21 owner? 22 Q Owner, consultant, employment, let's start 23 with all of the above. 24 A Okay. So can you please make your question</p>
<p style="text-align: right;">Page 15</p> <p>1 It was kind of garbled. 2 A Loyola University, Chicago. 3 Q So that would have been about '99 to 2002, 4 something like that? 5 A Exactly. 6 Q What did you do then? 7 A From there, I accepted employment with the 8 Cook County Sheriff's Department. 9 Q What did you do there? 10 A I worked as a correctional rehabilitation 11 worker. Social -- 12 Q At -- at the jail? 13 A Yes. 14 Q Over on -- 15 A 20th -- 16 Q 26th and Cal? 17 A Mm-hmm. 18 MS. BLAKE: Was that a yes? 19 THE WITNESS: That's a yes. Thank you, 20 ma'am. 21 BY MR. LAROSE: 22 Q I wasn't going to remind you because it 23 wasn't that important to me, but if you do the 24 "Uh-huh," on an important one, you'll hear from me, I</p>	<p style="text-align: right;">Page 17</p> <p>1 more direct? 2 Q Sure. Other than being employed full-time 3 as the Mayor of the Village of Riverdale, do you have 4 any ownership in any other businesses? 5 A My -- my wife and I, yes, we do own a family 6 business. 7 Q And what is that family business? 8 A Centennial Holdings. Trucking. 9 Q And what does Centennial Holdings do? 10 A We haul construction materials, concrete, 11 stone, dirt. Independent contractor. 12 Q Do you do any hauling for Riverdale 13 Materials? 14 A No, sir. Not to the best of my knowledge. 15 No. 16 Q Do you do any hauling for any of the 17 companies owned by the Bracken family? 18 A Possibly, yes. 19 Q Why is it that you say possibly as opposed 20 to yes or no? 21 A Because I -- I don't oversee the day-to-day 22 operations of the business, so I would not know. 23 Q How is it that you're so certain that you 24 didn't do any business for Riverdale Materials?</p>

<p style="text-align: right;">Page 18</p> <p>1 A Well, that's -- that's what I was trying to 2 tell you, I'm not sure. To the best of my ability, 3 I'm not sure. I don't know. 4 Q Okay. So just to make the record straight, 5 Centennial Holdings, owned by you and your wife, may 6 or may not have done or is doing business with 7 Riverdale Materials or any company owned by the 8 Bracken family? 9 A I don't believe so. 10 Q Okay. But before you said possible. 11 Possibly. 12 A There -- there is a possibility, sir, but 13 I'm not certain because I don't handle the day-to-day 14 operations of the business. 15 Q Okay. Who does? 16 A That would be my wife, and also wherever we 17 are dispatched to work at. 18 Q Okay. I'm just a little confused by that 19 answer. So your wife handles the logistics, meaning 20 setting up the jobs and things like that. Right? 21 A No, sir. 22 Q Sorry? 23 A No, sir. 24 Q How does it work then? Just explain to me</p>	<p style="text-align: right;">Page 20</p> <p>1 A Correct. 2 Q Do you get paid? 3 A Yes. 4 Q How do you get paid? 5 A What do you mean by that question? 6 Q The company makes income. Right? 7 A Yes. 8 Q How is the income direct? 9 A We receive a monthly payment. 10 Q So do you lease your trucks and your drivers 11 by the month? 12 MS. BLAKE: At this point, I'm just 13 going to object to relevancy. 14 MR. LAROSE: Well, the relevancy is if 15 he's doing business with Riverdale Materials or the 16 Brackens, it's clearly relevant to his bias and 17 prejudice in this case. But he says he doesn't know, 18 but I'm not going to ask too many more questions about 19 it. But your objection stands, I mean. 20 BY MR. LAROSE: 21 Q All right. Do you lease the trucks for a 22 full month? 23 A Yes. 24 Q How much?</p>
<p style="text-align: right;">Page 19</p> <p>1 how it works. 2 A We lease our truck and our driver, and 3 wherever that person is needed to go, that's where 4 they are assigned. And that would be a dispatcher 5 that would issue the assignment to them. 6 Q You lease your trucks to independent 7 drivers? 8 A No. We lease our trucks to go on 9 assignments to haul materials. That would be the 10 correct statement. 11 Q Okay. So you would lease them to the 12 customer? 13 A Yes. 14 Q So, for example, if the customer was 15 Riverdale Materials, you would lease your trucks and 16 your driver to Riverdale Materials for them to assign 17 that truck and that driver to do a job? 18 A It's possible. 19 Q Well, let's leave Riverdale -- I know you're 20 hung up on the Riverdale Materials thing. Let's leave 21 them out of it. Whoever you lease these trucks and 22 drivers to, you lease the trucks and the drivers, and 23 the company you lease them to makes a decision on 24 where they're going or what they're hauling?</p>	<p style="text-align: right;">Page 21</p> <p>1 A My accountant handles that. 2 Q Okay. Does your business keep internal 3 books and records? 4 A My wife, she handles that as well. 5 REPORTER: I'm sorry. I didn't hear 6 that. 7 THE WITNESS: My wife handles that as 8 well. 9 BY MR. LAROSE: 10 Q How many trucks do you have? 11 A I have one in operation, sir. 12 Q How many drivers? 13 A One. 14 Q Is the driver related to you? 15 A No. 16 Q Is the driver related to, in a business 17 sense, to any of your customers that lease the trucks? 18 A Not to my knowledge. 19 Q You ever take any cash from Riverdale 20 Materials? 21 A Absolutely not. 22 Q You ever accept bags of cash from one of 23 their employees, Tom Mate? 24 A Absolutely not.</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 Q Did you accept any political contributions 2 from Riverdale Materials? 3 A Absolutely not. 4 Q Did you accept any political contributions 5 from any of the Bracken family? 6 A That's possible. 7 Q How would we find that out? 8 A My wife is the treasurer for my PAC. 9 Q Okay. Do you have to report political 10 contributions -- 11 A Yes. 12 Q -- as part of your -- and who do you report 13 that to? 14 A The Illinois State Board of Elections. 15 Q And is that on an annual basis? 16 A Quarterly. 17 Q Okay. So the last report would have been 18 fourth quarter of 2020? 19 A Yes, sir. 20 Q Are those public documents, do you know? 21 A Yes. They are. 22 Q Same question with respect to -- I asked 23 about the Bracken Family, what about Bracken Box 24 Company? Any political contributions from them?</p>	<p style="text-align: right;">Page 24</p> <p>1 A No. 2 Q Other than the trucking business. 3 A The Village of Riverdale is my sole and only 4 employer. 5 Q Okay. Any other business that you do 6 consulting work for? 7 A I'm not a consultant in any capacity. 8 Q Okay. Would you consider garbage pickup in 9 the village to be an essential service? 10 A Yes, sir. I do. 11 Q If that service was suspended or terminated 12 for any reason, both literally and figuratively, it 13 would be a mess. Wouldn't it? 14 A I would think so. Yes. 15 Q As the mayor, who do you report to? 16 A That would be the people of Riverdale. 17 Q And is that only the voting residents of the 18 people of Riverdale, or would that include businesses 19 that might not actually live in the Village of 20 Riverdale but operate businesses there? 21 A I would have to disagree with your question. 22 I think the residents of Riverdale are the individuals 23 that determine if I keep my job or not. 24 Q Okay. I didn't mean to state it the wrong</p>
<p style="text-align: right;">Page 23</p> <p>1 A Possibly, yes. 2 Q What about Tri-State Disposal? 3 A I received contributions from Tri-State in 4 the past. Yes. 5 Q Since you became the mayor, when did you 6 become mayor again? 7 A I was first elected in 2013. 8 Q Okay. And it sounds like maybe reelected 9 yesterday? 10 A Yes. 11 Q Congratulations. 12 A Thank you, sir. 13 Q You're welcome. Was that a normal election, 14 or was it a primary or -- 15 A Democratic primary. 16 Q Okay. So you won the primary, and then the 17 general election is what, in the spring? 18 A April. April 6th. 19 Q Okay. So we talked about the one other 20 business that you are an owner in, being the trucking 21 business. Any other businesses that you're an owner 22 in? 23 A No. 24 Q Any businesses that you are employed by?</p>	<p style="text-align: right;">Page 25</p> <p>1 way. So you don't feel like you have to answer to any 2 of the business? 3 MS. BLAKE: Object to form. 4 MR. LAROSE: It's what he said. I want 5 to get it clear. 6 MS. BLAKE: I still object to form. 7 MR. LAROSE: Fine. 8 MS. BLAKE: What's the question? 9 MR. LAROSE: You feel like you don't 10 have to answer to the corporate residents of the 11 Village of Riverdale. Businesses. 12 MS. BLAKE: If you don't understand, 13 then you can say. 14 THE WITNESS: I understand. I mean, 15 you know, they're partners in the community, and we 16 have to work with them, but I don't respond to them. 17 I mean, I try to assist them, as I do my constituency 18 that vote. 19 BY MR. LAROSE: 20 Q You answer to the voting people in 21 Riverdale, but you don't necessarily answer to the 22 business in Riverdale that don't vote? 23 MS. BLAKE: Just object to the 24 mischaracterization of the testimony. It's clear what</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 he stated.</p> <p>2 THE WITNESS: Thank you.</p> <p>3 BY MR. LAROSE:</p> <p>4 Q Well, you still have to answer it.</p> <p>5 MS. BLAKE: That wasn't a question.</p> <p>6 MR. LAROSE: Yes. It was. Let me</p> <p>7 state it as a question.</p> <p>8 MS. BLAKE: Thank you.</p> <p>9 MR. LAROSE: Because it certainly was a</p> <p>10 question.</p> <p>11 BY MR. LAROSE:</p> <p>12 Q Mayor, is it true that your testimony is</p> <p>13 your answer to the voting residents of Riverdale</p> <p>14 because they're the ones that decide whether you keep</p> <p>15 your job or not?</p> <p>16 A Mr. LaRose, I am cooperative and work with</p> <p>17 everyone, those who live in town and vote, and those</p> <p>18 who do not live in town and do not vote, as well as</p> <p>19 the businesspeople. Whoever that needs the assistance</p> <p>20 of the Village of Riverdale, I'm obliged to help them.</p> <p>21 Q Okay. How did you come to know Flood</p> <p>22 Brothers?</p> <p>23 A They had introduction with me through my</p> <p>24 then Village Administrator, Tim Williams.</p>	<p style="text-align: right;">Page 28</p> <p>1 A I'm not sure. It was an involuntary</p> <p>2 separation.</p> <p>3 Q Okay. Do you know how that he came to</p> <p>4 introduce you to Flood Brothers?</p> <p>5 MS. BLAKE: Just object to foundation.</p> <p>6 You can still answer. He's asking do you know Tim</p> <p>7 knew about Floor Brothers.</p> <p>8 THE WITNESS: Oh. I'm not sure. It</p> <p>9 was just at one of our weekly briefings, and we were</p> <p>10 looking for proposals to streamline costs.</p> <p>11 BY MR. LAROSE:</p> <p>12 Q Did you look at any other waste disposal</p> <p>13 companies?</p> <p>14 A Yes. Homewood Disposal was also interested</p> <p>15 in working in Riverdale, along with Republic.</p> <p>16 Q Did you receive, you said, "proposal," did</p> <p>17 you receive a proposal from Flood Brothers?</p> <p>18 A That would have been on the desk of Tim</p> <p>19 Williams.</p> <p>20 Q I'm sorry. It would have been on what?</p> <p>21 A That would have been on Tim Williams' desk.</p> <p>22 The proposals.</p> <p>23 Q You never saw one?</p> <p>24 A I may have, but he had the proposals from</p>
<p style="text-align: right;">Page 27</p> <p>1 REPORTER: I'm sorry. I -- I -- you're</p> <p>2 a bit muffled.</p> <p>3 THE WITNESS: I'm sorry, ma'am. That</p> <p>4 relationship, the introduction was made through my</p> <p>5 then Village Administrator, Timothy Williams.</p> <p>6 BY MR. LAROSE:</p> <p>7 Q And when was that introduction made, if you</p> <p>8 remember?</p> <p>9 A Approximately three, four years ago. Maybe</p> <p>10 two years ago. I'm kind of -- my memory fails me, but</p> <p>11 it was about three years ago.</p> <p>12 Q All right. And what were the circumstances</p> <p>13 of the introduction?</p> <p>14 A We were looking for ways to reduce our</p> <p>15 operating costs. We had a lot of bills that were</p> <p>16 backlogged, and so we were looking for new vendors</p> <p>17 that could -- so we could down-size our operating</p> <p>18 costs, not just in sanitation, but in other areas as</p> <p>19 well.</p> <p>20 Q Okay. And Tim Williams, didn't he also work</p> <p>21 for another municipality?</p> <p>22 A He may have. It's been a while since I</p> <p>23 looked at his resume.</p> <p>24 Q Where is he now? Do you know?</p>	<p style="text-align: right;">Page 29</p> <p>1 other vendors as well.</p> <p>2 Q Did he have proposals from Homewood?</p> <p>3 A I believe so.</p> <p>4 Q Did he have proposals from Republic?</p> <p>5 A Possibly. I -- I can't speak to his</p> <p>6 proposals because I -- they weren't addressed to me,</p> <p>7 Mr. LaRose. They were addressed to the Village</p> <p>8 Administrator.</p> <p>9 Q Who made the final decision on who to pick?</p> <p>10 A Mr. Williams gave me a recommendation for</p> <p>11 Flood.</p> <p>12 Q And then you took that recommendation and</p> <p>13 took it to the Board. Right?</p> <p>14 A Yes.</p> <p>15 Q Did you receive a proposal from Tri-State?</p> <p>16 A No. We did not.</p> <p>17 Q Did you ask for one?</p> <p>18 A I didn't ask for Flood or Homewood Disposal</p> <p>19 either, sir.</p> <p>20 Q Did Tim Williams ask for one?</p> <p>21 A Possibly, yes.</p> <p>22 Q So possibly he asked for a proposal from</p> <p>23 Tri-State, and for sure, you know that you didn't get</p> <p>24 one. Right?</p>

8 (Pages 26 - 29)

<p style="text-align: right;">Page 30</p> <p>1 A Mr. LaRose, I don't know if he reached out 2 to Tri-State. I do know that we were trying to reduce 3 our operating costs. If Tri-State could have given us 4 a better rate, I wish they would have, but seeing that 5 they did not, Mr. Williams, and I'm speaking on his 6 behalf, thought it was best just to look for a new 7 vendor. 8 Q So your testimony is that you would have 9 been happy to receive a proposal from Tri-State? 10 A I want the best possible deal for my 11 residents. Yes. I would have welcomed a -- a 12 proposal from Tri-State. 13 Q We've been through thousands and thousands 14 of pieces of paper. There wasn't a single piece of 15 paper that requested a proposal from Tri-State from 16 anybody: you, Williams, the Board, Jerome Russell, 17 anybody. Are you aware of any pieces of paper where 18 you requested proposals from them? 19 A Well, as I previously stated, I wasn't 20 directly involved with that process. 21 Q Well, kind of, you were because, in October 22 of 2017, you sent Tri-State a letter saying that you 23 were going to put this out for bid and encouraging 24 them to bid, and that's the last we heard of it. And</p>	<p style="text-align: right;">Page 32</p> <p>1 MS. BLAKE: I believe that's asked and 2 answered. He wasn't dealing with that. Tim Williams 3 was. 4 MR. LAROSE: Okie-dokie. Then he can 5 answer it again, please, because you objected to my 6 question, and now I want an answer. 7 MS. BLAKE: Well, Mr. LaRose, you had a 8 very long discussion with yourself, and then at the 9 end, asked a question that I didn't understand. Now 10 you've asked a question that you've already asked him, 11 so it's a little run-on. It's a long narrative that 12 gets confusing towards the end. So if you could be 13 more direct, it would be -- 14 MR. LAROSE: But that doesn't mean that 15 he doesn't have to answer it. 16 BY MR. LAROSE: 17 Q So here's the direct question. If you 18 wanted a proposal from them, why didn't you ask for 19 one? Direct enough? 20 A Mr. LaRose -- 21 MS. BLAKE: Yeah. 22 THE WITNESS: I did not submit a 23 request or proposal from anyone, whether it be 24 Tri-State, Flood, Homewood, or Republic. I did not</p>
<p style="text-align: right;">Page 31</p> <p>1 I'll show you that document. It's not hide and seek. 2 We're just not there yet, but we're going to go 3 through it. I'm trying to get the basics of this 4 because I can't understand the discrepancy between 5 we'd love to have a proposal, but we never asked for 6 one. So can you explain that? 7 MS. BLAKE: I'm going to object to 8 form. That feels like a long discussion. I have no 9 idea what the question is. 10 BY MR. LAROSE: 11 Q The question is, you would have liked to 12 receive a proposal from Riverdale, but as far as the 13 documents from Riverdale, you never asked for one, and 14 I'm wondering if you can explain that. 15 MS. BLAKE: Again, I'm going to object 16 to form. You're talking about Riverdale, documents 17 from Riverdale? I'm just confused. 18 MR. LAROSE: Yeah. We asked for all 19 Riverdale's documents. We got pretty much what we 20 had. Not much from you guys, but there isn't a single 21 piece of paper that shows that anyone asked for a 22 proposal from Tri-State. The incumbent contract 23 holder. So I'm asking him if he can explain that. 24 Why weren't they asked for a proposal?</p>	<p style="text-align: right;">Page 33</p> <p>1 specifically pick up the phone and call them and say, 2 "Give me a proposal." My directive, per conversation 3 with Mr. Williams, is we need to reduce our operating 4 costs. 5 BY MR. LAROSE: 6 Q Did you tell Williams not to solicit a bid 7 from Tri-State? 8 A No. 9 Q Did you tell him not to solicit a bid from 10 anyone? 11 A No. 12 Q Do you know why he didn't solicit a bid from 13 Tri-State? 14 A I can't speak to that reason. No. 15 Q How did you meet Jim Bracken? 16 A Mr. Bracken was looking to do business in 17 town. We had property that sat abandoned, wasn't on 18 the tax rolls, and he came in and said he wanted to 19 bring a business to town. 20 Q He came into where? 21 A The Village of Riverdale. 22 Q The Village Hall? 23 A Yes. 24 Q Okay. Was there a meeting set up prior to</p>

<p style="text-align: right;">Page 34</p> <p>1 him just showing up?</p> <p>2 A Yes. We met in my office. Yes.</p> <p>3 Q Who was at the meeting?</p> <p>4 A Tim Williams, myself, the former Fire Chief.</p> <p>5 Q Anybody else?</p> <p>6 A Not that I recall.</p> <p>7 Q Why is Robbie Sharnhorst not the Fire Chief</p> <p>8 anymore?</p> <p>9 MS. BLAKE: Object to relevancy. What</p> <p>10 does that have to do with anything?</p> <p>11 MR. LAROSE: Are you telling him not to</p> <p>12 answer?</p> <p>13 MS. BLAKE: No. I mean, you can answer</p> <p>14 that. "Why isn't Robbie the Fire Chief anymore?" has</p> <p>15 nothing to do with this case, but you can go ahead and</p> <p>16 talk about it.</p> <p>17 THE WITNESS: He resigned for personal</p> <p>18 reasons, sir.</p> <p>19 BY MR. LAROSE:</p> <p>20 Q So what was the result of that first meeting</p> <p>21 with Jim Bracken?</p> <p>22 A The meeting was preliminary. What type of</p> <p>23 business he planned to bring to the town. Are you</p> <p>24 seeking any time of incentives or tax subsidies? How</p>	<p style="text-align: right;">Page 36</p> <p>1 waste disposal in the Village of Riverdale, why didn't</p> <p>2 you solicit actual bids, competitive bids, rather than</p> <p>3 some quotes or something like that?</p> <p>4 MS. BLAKE: Object to attorney-client</p> <p>5 privilege.</p> <p>6 THE WITNESS: Am I required to respond?</p> <p>7 MS. BLAKE: No.</p> <p>8 MR. LAROSE: I'm not understanding how</p> <p>9 that question's attorney-client privilege. I didn't</p> <p>10 ask what his attorneys told him.</p> <p>11 THE WITNESS: I followed the advice of</p> <p>12 my attorney, sir.</p> <p>13 MR. LAROSE: Oh. I got it. I'm</p> <p>14 talking to Erin. I don't understand how that's</p> <p>15 attorney-client privilege, Erin.</p> <p>16 MS. BLAKE: You're asking why the</p> <p>17 Village didn't go out for bid?</p> <p>18 MR. LAROSE: Yes.</p> <p>19 MS. BLAKE: Right. So it was based on</p> <p>20 legal advice that that wouldn't be required for this</p> <p>21 type of service.</p> <p>22 BY MR. LAROSE:</p> <p>23 Q Okay. So knowing that the legal advice was</p> <p>24 it wasn't required for this type of service, was there</p>
<p style="text-align: right;">Page 35</p> <p>1 many employees you're going to bring? What's the</p> <p>2 logistics of your business? The usual stuff.</p> <p>3 Q What incentives did they want?</p> <p>4 A B6.</p> <p>5 Q Besides --</p> <p>6 REPORTER: What is that?</p> <p>7 THE WITNESS: B6.</p> <p>8 MS. BLAKE: B as in --</p> <p>9 MR. LAROSE: It's a tax --</p> <p>10 MS. BLAKE: Okay.</p> <p>11 MR. LAROSE: B as in boy, six tax</p> <p>12 incentives.</p> <p>13 BY MR. LAROSE:</p> <p>14 Q Anything else? Any other incentives that</p> <p>15 they wanted?</p> <p>16 A That's all.</p> <p>17 Q Did they end up getting B6?</p> <p>18 A The Board has the resolution supporting</p> <p>19 their request with the county.</p> <p>20 Q If you wanted to lower the costs for</p> <p>21 disposal, why didn't you solicit actual bids rather</p> <p>22 than quotations?</p> <p>23 A I'm sorry. Can you repeat your question?</p> <p>24 Q Sure. If you wanted to reduce the cost for</p>	<p style="text-align: right;">Page 37</p> <p>1 anything preventing you from going out for bids?</p> <p>2 A Yes. There was.</p> <p>3 Q What.</p> <p>4 A We were dealing with some serious financial</p> <p>5 problems, and we needed to act expeditiously.</p> <p>6 Q Okay. Tri-State's contract ended at the end</p> <p>7 of July 2019. Right?</p> <p>8 A To the best of my memory, possibly, yes.</p> <p>9 Q And in October of 2017, you wrote to Tri-</p> <p>10 State saying, "We're looking to solicit bids for fast</p> <p>11 contracting." So like a year and ten months ahead.</p> <p>12 And then, in April 2018, and year and three months</p> <p>13 ahead, you wrote Tri-State and told them you were</p> <p>14 terminating their contract and the end of the</p> <p>15 contract.</p> <p>16 MS. BLAKE: Is there --</p> <p>17 MR. LAROSE: No. No. There's going to</p> <p>18 be.</p> <p>19 BY MR. LAROSE:</p> <p>20 Q How much time does it take for solicitation</p> <p>21 of bids?</p> <p>22 A You know, Mr. LaRose, let me go back.</p> <p>23 There's actually a couple of things I want to clear</p> <p>24 up.</p>

<p style="text-align: right;">Page 38</p> <p>1 MS. BLAKE: Okay</p> <p>2 THE WITNESS: I want to get a chance.</p> <p>3 When Tri-State got this account with the Village of</p> <p>4 Riverdale, they never got the contract through a bid.</p> <p>5 The Board of Trustees exercised its home-rule powers</p> <p>6 and awarded the contract to the Germanys' Tri-State.</p> <p>7 It was only until we decided not to renew their</p> <p>8 contract that now they're -- they're crying sour</p> <p>9 grapes and said they wanted to go out to competitive</p> <p>10 bid. But they had the contract for twenty-some years,</p> <p>11 and it's never gone out to bid. So where's the equity</p> <p>12 in that?</p> <p>13 BY MR. LAROSE:</p> <p>14 Q Well, I could tell you a lot about equities</p> <p>15 in this case, but I'm not really here to answer your</p> <p>16 questions. My question to you is, how long does it</p> <p>17 take to issue a bid?</p> <p>18 MS. BLAKE: I think it's an incomplete</p> <p>19 hypothetical.</p> <p>20 MR. LAROSE: He said the reason why</p> <p>21 they didn't issue bids is because they were under a</p> <p>22 time constraint.</p> <p>23 BY MR. LAROSE:</p> <p>24 Q My question is, how long? How long does it</p>	<p style="text-align: right;">Page 40</p> <p>1 competitive bid?</p> <p>2 A I wouldn't know. We didn't put out a</p> <p>3 competitive bid. We requested proposals.</p> <p>4 Q Well, you told me the reason why you didn't</p> <p>5 put out competitive bids was because it took too long.</p> <p>6 So I want to know how long is --</p> <p>7 A That's not --</p> <p>8 Q -- too long?</p> <p>9 A -- what I said, sir. I said we were dealing</p> <p>10 with some serious financial challenges at the time.</p> <p>11 We needed to act quickly.</p> <p>12 Q Okay. So you needed to act quickly was one</p> <p>13 of the reasons that you didn't put out competitive</p> <p>14 bid. Correct?</p> <p>15 A If you remember my answer to your other</p> <p>16 question, sir, my statement, the Village of Riverdale</p> <p>17 has never taken a competitive bid for sanitation.</p> <p>18 When the Germanys received the contract, it was not</p> <p>19 issued through a competitive bid. The Board of</p> <p>20 Trustees exercised its home-rule powers.</p> <p>21 Q So how long does it take to issue a</p> <p>22 competitive bid, for like the --</p> <p>23 A I don't have an answer for you at this</p> <p>24 point, sir.</p>
<p style="text-align: right;">Page 39</p> <p>1 take to request, get bids and open competitive bids so</p> <p>2 you can award a contract?</p> <p>3 A Can I answer?</p> <p>4 MS. BLAKE: Yeah. Yeah. If you know.</p> <p>5 THE WITNESS: So, Mr. LaRose, when</p> <p>6 you're turning -- changing vendors for a -- a critical</p> <p>7 service like sanitation, you have to make sure that</p> <p>8 the new vendor is going to have an inventory to supply</p> <p>9 the 4,000 units in Riverdale with receptacles, hire</p> <p>10 additional equipment, transfer -- transfer over</p> <p>11 accounting procedures, and things like that for</p> <p>12 billing purposes, and a lot of other things that come</p> <p>13 with it. We also wanted to be considerate to</p> <p>14 Tri-State and allow them time to remove their</p> <p>15 inventory out of our town. They had to go around and</p> <p>16 collect all their receptacles. So that -- that was</p> <p>17 the planning in this and giving everyone sufficient</p> <p>18 time to get set up so that there wasn't any mishaps</p> <p>19 with people not getting their garbage picked up,</p> <p>20 people trying to deliver new receptacles while they're</p> <p>21 collecting old receptacles.</p> <p>22 BY MR. LAROSE:</p> <p>23 Q Okay. Now maybe you can answer the</p> <p>24 question. How long does it take to put out a</p>	<p style="text-align: right;">Page 41</p> <p>1 REPORTER: I didn't hear the answer.</p> <p>2 THE WITNESS: I said I wouldn't have an</p> <p>3 answer at this point. I've exhausted myself trying to</p> <p>4 explain this.</p> <p>5 BY MR. LAROSE:</p> <p>6 Q So is your testimony that there wasn't</p> <p>7 enough time to issue competitive bids?</p> <p>8 MS. BLAKE: Object to form. Misstates</p> <p>9 the testimony.</p> <p>10 BY MR. LAROSE:</p> <p>11 Q Sir?</p> <p>12 A Dealing with our financial issues, we were</p> <p>13 acting quickly to manage budgetary problems that were</p> <p>14 forthcoming.</p> <p>15 Q What services do you issue competitive bids</p> <p>16 for?</p> <p>17 A Public works projects like sewer</p> <p>18 reconstruction, road pavement, street lighting.</p> <p>19 MS. BLAKE: Could we go -- hold on one</p> <p>20 second. We're having a technical difficulty. Mr.</p> <p>21 LaRose, your face is completely frozen on our TV</p> <p>22 screen.</p> <p>23 MR. LAROSE: That's probably --</p> <p>24 MS. BLAKE: Is that --</p>

<p style="text-align: right;">Page 42</p> <p>1 MR. LAROSE: That's probably a good 2 thing. 3 MS. BLAKE: Hold on a minute, if you 4 will. 5 MR. LAROSE: I'm -- 6 MS. BLAKE: See how he's frozen there? 7 MR. LAROSE: I'm not frozen on mine. 8 MS. BLAKE: You know what, I'm -- and 9 I'm completely frozen as well on our screen. 10 MR. LAROSE: Well, we -- 11 MS. BLAKE: So just give me a second. 12 MR. LAROSE: Yeah. Yeah. We can see 13 you and hear you fine. 14 REPORTER: Mr. LaRose, you need to oil 15 your chair. 16 MR. LAROSE: That's what my mother 17 says. Are we back and good? 18 MS. BLAKE: No. We're using a large 19 screen, and it's frozen. We have someone coming up to 20 fix it. He's right here. Just give us maybe two more 21 minutes. 22 MR. LAROSE: Okay. 23 MS. BLAKE: Okay. We're back. Sorry 24 about that.</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. BLAKE: What Exhibit? 2 MR. LAROSE: It's Exhibit C. It's a 3 letter from the mayor to Sheryl Germany dated October 4 23, 2017. 5 (Exhibit C was marked for 6 identification.) 7 MS. BLAKE: Okay. We're there. 8 BY MR. LAROSE: 9 Q Do you remember that letter, Mayor? 10 A Yes. 11 Q It says that "The Village intends to issue 12 an RFQ." What's an RFQ? 13 A Request for Qualifications. 14 Q Okay. And did the Village ever issue an 15 RFQ? 16 A No. 17 Q Why not? 18 A Sir, my letter said "intend," it was not a 19 commitment. 20 Q Okay. Even though it wasn't a contract or 21 commitment, my question is to you, why didn't you 22 issue an RFQ? 23 A Going back to my previous statement, we were 24 under some serious financial constraints. We had to</p>
<p style="text-align: right;">Page 43</p> <p>1 BY MR. LAROSE: 2 Q Did you direct anybody not to solicit a 3 quote or a bid from Tri-State? 4 A No, sir. 5 Q Did they not get an opportunity to bid or 6 quote on this job because of the fact that they sued 7 you? 8 A What do you mean, "Jim"? 9 Q I'm sorry? 10 A That question, could you repeat that, sir? 11 Q Sure. Sure. Did they not get an 12 opportunity to bid or quote on the trash services 13 going into the future because they filed a lawsuit 14 against you? 15 A That's not -- that's not true. 16 MR. LAROSE: Erin, you have all the 17 exhibits we've been using handy? 18 MS. BLAKE: I have what I think is most 19 of them. 20 MR. LAROSE: And we sent you a few more 21 yesterday. 22 MS. BLAKE: Yeah. 23 BY MR. LAROSE: 24 Q So let's jump to Exhibit C --</p>	<p style="text-align: right;">Page 45</p> <p>1 act quickly. 2 Q Okay. So your serious financial constraints 3 with respect to garbage, if it had anything to do with 4 my client's bills wasn't going to get resolved until 5 July of 2019. Correct? 6 A Possibly. 7 Q Well, they had the contract until July of 8 2019, and they performed the contract until July of 9 2019. Correct? 10 A Correct. 11 Q So from October 23, 2017, until July of 12 2019, you didn't have enough time to issue an RFQ? 13 MS. BLAKE: Object to form. 14 BY MR. LAROSE: 15 Q Sir? 16 THE WITNESS: Do I have to answer? 17 MS. BLAKE: Can you ask the question 18 again? I'm sorry. I missed it. 19 MR. LAROSE: Sure. 20 BY MR. LAROSE: 21 Q From October of 2017 to July of 2019, you 22 didn't have enough time to issue an RFQ? Is that your 23 testimony? 24 A That's -- Mr. LaRose, my -- my letter is</p>

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<p style="text-align: right;">Page 46</p> <p>1 very clear that we intended to. We did not obligate 2 ourselves to do that.</p> <p>3 Q And when I asked you why you didn't do it, 4 you told me you were under financial and time 5 constraints.</p> <p>6 MS. BLAKE: And he also told you that 7 it was based on attorney advice that it wasn't 8 required. So if we're going to be asking questions, 9 let's get it all out.</p> <p>10 MR. LAROSE: Thank you for your 11 testimony. I appreciate that.</p> <p>12 MS. BLAKE: You've been testifying a 13 lot, too.</p> <p>14 MR. LAROSE: I'm actually allowed to 15 ask the questions. I thought we were beyond this 16 petty BS, quite frankly. It's been a long, long road. 17 We're almost at the end, so --</p> <p>18 MS. BLAKE: We are. We are so close, 19 aren't we?</p> <p>20 MR. LAROSE: Yeah. We are.</p> <p>21 MS. BLAKE: Okay.</p> <p>22 MR. LAROSE: Can't wait.</p> <p>23 BY MR. LAROSE:</p> <p>24 Q Did you have enough time to issue an RFQ?</p>	<p style="text-align: right;">Page 48</p> <p>1 you remember about when this first meeting was at 2 Village Hall?</p> <p>3 A No, sir. I do not.</p> <p>4 Q In reference to the timeframe, they 5 submitted an application for this conditional use in 6 the summer of 2017. In relation to when they 7 submitted their application, was it months, a year 8 before then? Any idea?</p> <p>9 A I wouldn't have any answers for you. Those 10 matters are handled by the Zoning Board and the Zoning 11 Administrator, which was at -- at the time, Robert 12 Sharnhorst.</p> <p>13 Q But you're getting mixed up. You met with 14 them. And my question is, when? And my follow-up 15 question is, in relation to when they actually 16 submitted the application, when was the meeting?</p> <p>17 A I don't recall when we met. We did have a 18 meeting. I don't remember when.</p> <p>19 Q Did you have any subsequent meetings, 20 informal meetings with anybody from Riverdale 21 Materials after then, but before they applied?</p> <p>22 A I'm sure there were some follow-ups. Yes.</p> <p>23 Q Okay. And were those all at Village Hall?</p> <p>24 A Most of them, yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 That's the question.</p> <p>2 A That -- those responsibilities were handled 3 by Mr. Williams.</p> <p>4 Q So you didn't have anything to do with the 5 fact that an RFQ was not issued?</p> <p>6 A That's correct, sir.</p> <p>7 Q It says in your letter that, I agree, is 8 very clear that Riverdale is encouraged to participate 9 in the bid process. Did you mean that?</p> <p>10 MS. BLAKE: Object to form. I think 11 it's Tri-State. Right?</p> <p>12 MR. LAROSE: Yeah. I'm sorry. You're 13 right.</p> <p>14 MS. BLAKE: Okay.</p> <p>15 BY MR. LAROSE:</p> <p>16 Q That Tri-State is encouraged to participate 17 in the bid process. Did you mean that?</p> <p>18 A Yes.</p> <p>19 Q How come it never happened?</p> <p>20 MS. BLAKE: Object to foundation.</p> <p>21 BY MR. LAROSE:</p> <p>22 Q Mayor?</p> <p>23 A I was following the advice of my attorney.</p> <p>24 Q Let's get back to Riverdale Materials. Do</p>	<p style="text-align: right;">Page 49</p> <p>1 Q And other than the folks last time you said, 2 Jim Bracken, Tim Williams, you, Robert Sharnhorst were 3 there, other than those folks, at these subsequent 4 meetings, was anyone else present?</p> <p>5 A I don't remember any more beyond that.</p> <p>6 Q Was it always --</p> <p>7 A Sir, I'm sorry, with the exception of my 8 attorney at the time. Well, my current attorney, Matt 9 Welch.</p> <p>10 Q Okay. Was Matt at the first meeting, too?</p> <p>11 A I don't believe so.</p> <p>12 Q All right. Was Jim Bracken the only 13 representative of Riverdale Materials?</p> <p>14 A Yes.</p> <p>15 Q You ever meet his father?</p> <p>16 A At an informal gathering, yes.</p> <p>17 Q Okay. What informal gathering?</p> <p>18 A I was invited to a luncheon a few years 19 back, and he was there.</p> <p>20 Q When you met with Riverdale Materials, did 21 you discuss with them whether or not they would have 22 to pay some type of royalty to the Village for their 23 business?</p> <p>24 A That -- that we did have a conversation</p>

<p style="text-align: right;">Page 50</p> <p>1 about that.</p> <p>2 Q Did you discuss with them whether or not</p> <p>3 they would have to post some security for the closure</p> <p>4 of their business if, in fact, they just left town?</p> <p>5 A Yes.</p> <p>6 Q Why did those two things not happen?</p> <p>7 A The Board has failed to take action on the</p> <p>8 matter.</p> <p>9 Q The Board had failed to take action on</p> <p>10 whether or not Riverdale Materials should pay</p> <p>11 royalties and/or post-closure security?</p> <p>12 A Correct.</p> <p>13 Q How is that the post of the Board?</p> <p>14 A The recommendations from the Zoning Board.</p> <p>15 Q The Zoning Board said, "You should get</p> <p>16 security from them for closure, and you should require</p> <p>17 them to pay royalties."</p> <p>18 A So this is -- it's going back a couple of</p> <p>19 years, and I was not directly involved with the</p> <p>20 process. Normally, the Zoning Board would make those</p> <p>21 recommendations to the Board of Trustees, and it's</p> <p>22 solely up to the Board if they want to adopt those</p> <p>23 recommendations or not.</p> <p>24 Q Okay. So we -- I remember the timeframe,</p>	<p style="text-align: right;">Page 52</p> <p>1 A Not that I'm aware of.</p> <p>2 Q So you being in this government position for</p> <p>3 like seven or eight years now, how is the Board</p> <p>4 supposed to vote on something that's not before them?</p> <p>5 A Each member of the Board has the authority</p> <p>6 to introduce ordinances, resolutions and make</p> <p>7 amendments to pending ordinances.</p> <p>8 Q And no one did?</p> <p>9 A That's correct.</p> <p>10 Q Do you think that would have been a good</p> <p>11 thing for Riverdale Materials to pay royalties and to</p> <p>12 post a closure bond or some type of closure security</p> <p>13 for the site?</p> <p>14 A I can't answer that.</p> <p>15 Q Why not?</p> <p>16 A I'm not in the -- I don't supervise the</p> <p>17 operations.</p> <p>18 Q But you're, come on, you're the mayor. It</p> <p>19 was a concern of yours. You said why it didn't get</p> <p>20 implemented is that the Board didn't want it or didn't</p> <p>21 vote on it. My question to you is, as the mayor,</p> <p>22 would that have been a good thing for the Village of</p> <p>23 Riverdale for Riverdale Materials to pay royalties and</p> <p>24 to issue some type of closure security?</p>
<p style="text-align: right;">Page 51</p> <p>1 and we're going over it, but from November 2nd, which</p> <p>2 is, I believe, the last Zoning Board meeting, to</p> <p>3 within a couple of weeks, when the Board voted to</p> <p>4 grant the conditional use, was there, to your</p> <p>5 knowledge, a proposal from the Zoning Board of Appeals</p> <p>6 that stated that Riverdale Materials should pay</p> <p>7 royalties and issue a closure bond?</p> <p>8 A I don't -- I don't recall. I know when I</p> <p>9 had my initial conversations with Riverdale Materials</p> <p>10 and James Bracken, those were some of the concerns</p> <p>11 that I had.</p> <p>12 Q So if those were your concerns, just not</p> <p>13 understanding why they didn't get implemented?</p> <p>14 A The Board would have to take the action to</p> <p>15 mandate that of Riverdale Materials.</p> <p>16 Q Was there ever even a resolution or</p> <p>17 ordinance drafted that would have included those?</p> <p>18 A I don't recall.</p> <p>19 Q Well, we know that the ordinance that</p> <p>20 ultimately got passed to give Riverdale Materials</p> <p>21 their conditional use license didn't contain that.</p> <p>22 Didn't have anything to do with it. Was there another</p> <p>23 ordinance that was proposed that the Board didn't vote</p> <p>24 on?</p>	<p style="text-align: right;">Page 53</p> <p>1 MS. BLAKE: Object to form.</p> <p>2 THE WITNESS: Am I required to answer?</p> <p>3 MS. BLAKE: Yeah. You can answer.</p> <p>4 THE WITNESS: I voiced my concerns</p> <p>5 during the initial meetings, and the Trustees were</p> <p>6 aware of my position. Ultimately, the authority rests</p> <p>7 with the Board of Trustees.</p> <p>8 BY MR. LAROSE:</p> <p>9 Q So you don't want to tell me whether you</p> <p>10 think it would have been a good idea or not?</p> <p>11 A I don't want to interject my personal</p> <p>12 feelings about it. I've already gone on record</p> <p>13 seeking to get them to pay royalties and host fees.</p> <p>14 Q Yeah. That's confusing to me, too. What</p> <p>15 record?</p> <p>16 A I just said --</p> <p>17 Q Because you certainly didn't go on record at</p> <p>18 the time that the ordinance was passed.</p> <p>19 MS. BLAKE: But he just testified --</p> <p>20 THE WITNESS: Thank you.</p> <p>21 MS. BLAKE: -- that he had a</p> <p>22 conversation about that and that he expressed his</p> <p>23 views to the Board, but ultimately, it's the Board's</p> <p>24 decision. So that's what he meant by "on the record."</p>

<p style="text-align: right;">Page 54</p> <p>1 MR. LAROSE: Right now, we're in a 2 deposition. We're on the record. You have some back- 3 room meeting with Bracken Box; that's not on the 4 record. Or with the Brackens. You talk informally to 5 the Trustees; that's not on the record. I want to 6 know where on the Village Record, whether it be Board 7 Minutes, whether it be resolutions, whether it be 8 discussions, where on the record did you express that 9 you thought Riverdale Materials should pay royalties 10 and post a bond? 11 MS. BLAKE: If you know. 12 THE WITNESS: Huh? 13 MS. BLAKE: If you know, you can answer 14 him. 15 THE WITNESS: You -- you know what, I 16 don't have any other comments or statements that add 17 to the questions. I answered it. I'm being deposed 18 right now. I went on the record saying that I wanted 19 Riverdale Materials to pay royalties and host fees, 20 and ultimately, it didn't happen due to the Board's 21 actions. That's all I have to offer at this time. 22 BY MR. LAROSE: 23 Q Did you tell Jeff and Sheryl Germany that 24 you would require Riverdale Materials to pay royalties</p>	<p style="text-align: right;">Page 56</p> <p>1 MS. BLAKE: No. 2 THE WITNESS: Okay. 3 MR. LAROSE: Oh, I think you do. 4 MS. BLAKE: Legislative privilege is 5 pretty clear. 6 MR. LAROSE: Yeah, except when this 7 defendant in an individual capacity has been sued and 8 upheld by the court, at least so far, for retaliating 9 against my clients. So he has no legislative immunity 10 with respect to that. None, whatsoever. 11 MS. BLAKE: Well, I disagree. 12 MR. LAROSE: Well, are you going to 13 tell him not to answer the question why -- let me ask 14 it a different way. 15 BY MR. LAROSE: 16 Q Did you have anything to do with Tri-State's 17 contract not being renewed? 18 A Not at all. 19 Q Take a look at Exhibit F as in Frank. 20 (Exhibit F was marked for 21 identification.) 22 BY MR. LAROSE: 23 Q Tell me when you have got it. 24 A May I have a second to read it over, please?</p>
<p style="text-align: right;">Page 55</p> <p>1 and post a bond? 2 A I never told them that. 3 Q Did you have a meeting with them about that? 4 A Me and Jeff Germany met often. In my 5 office, we had lunch meetings, and I've never, never 6 ever required that of them. 7 Q You never, ever did what? 8 A Required a host fee or royalties or -- 9 surety bonds. 10 Q You're misunderstanding my question, and 11 it's probably my fault. Did you have a meeting with 12 Sheryl and Jeff where you assured them that Riverdale 13 Materials would be required to pay host fees and post 14 a bond? 15 A No, sir. I did not do that, and -- because 16 I realized that the authority doesn't lie with me. 17 It's with the Board of Trustees. 18 Q But you didn't tell them that? 19 A I wouldn't tell them that 'cause I had no 20 authority to enforce it. 21 Q Why was Tri-State's contract not renewed? 22 MS. BLAKE: Just object to legislative 23 privilege. 24 THE WITNESS: I have to answer?</p>	<p style="text-align: right;">Page 57</p> <p>1 Q Sure. That's what I said. Tell me when 2 you're ready. 3 A Okay, sir. 4 Q So this is a letter. Exhibit F is a April 5 18, 2018, letter to Sheryl Germany from Chief of Staff 6 Tim Williams copied to you terminating the contract. 7 Is it your testimony that you had nothing to do with 8 this? 9 A That's correct. 10 Q Were you aware of it before it happened? 11 A Yes. Of course, I was advised of the 12 matter. 13 Q And does Tim Williams as Chief of Staff -- 14 let's back up. Chief of Staff, that's not an elected 15 position. Right? 16 A It's appointed. 17 Q By you. Right? 18 A Yes, sir. 19 Q So he answers to you, but he doesn't answer 20 to the voters because they don't elect him. Right? 21 A Correct. 22 Q So when Tim Williams made this -- and by the 23 way, as an unelected official of the Village of 24 Riverdale, he has no power. Right?</p>

15 (Pages 54 - 57)

<p style="text-align: right;">Page 58</p> <p>1 MS. BLAKE: Object to form. Power to 2 do what?</p> <p>3 MR. LAROSE: To cancel this contract 4 without talking to the Board of Directors or --</p> <p>5 MS. BLAKE: Well --</p> <p>6 MR. LAROSE: -- the Board of Trustees?</p> <p>7 MS. BLAKE: -- you didn't ask about the 8 Board yet. You're just asking about the letter. You 9 didn't ask about the Board activity that occurred 10 before the letter.</p> <p>11 MR. LAROSE: Well, I haven't gotten 12 there yet, and I'd like to ask the questions in the 13 order that I like to ask them.</p> <p>14 BY MR. LAROSE:</p> <p>15 Q My question is, Tim Williams has no 16 authority to do anything without either getting your 17 approval or the Board of Trustees' approval. Correct?</p> <p>18 A That would be correct.</p> <p>19 Q So when you told me a couple of minutes ago, 20 "I had nothing to do with canceling the contract," 21 that's not true. Is it?</p> <p>22 A That's not what you said, Mr. LaRose.</p> <p>23 Q Oh. I asked you if you were involved in 24 canceling the contract, and you said no. Then I show</p>	<p style="text-align: right;">Page 60</p> <p>1 meetings, the proceedings. Yes. There should be. 2 Q And would that have to be done pursuant to 3 resolution?</p> <p>4 MS. BLAKE: Object to foundation.</p> <p>5 REPORTER: What was your answer?</p> <p>6 MR. LAROSE: Terminate a contract. 7 With an existing vendor.</p> <p>8 THE WITNESS: We didn't terminate the 9 contract. We opted not to renew it.</p> <p>10 BY MR. LAROSE:</p> <p>11 Q Exhibit F says, "cancel the agreement upon 12 its expiration." So terminate, cancel, I don't know, 13 same thing to me.</p> <p>14 A Upon expiration, meaning we're not going to 15 renew it.</p> <p>16 Q Okay. Let's stick with your interpretation 17 of this, and I'll ask the same question. Would this 18 letter have to have been the result of a Board 19 resolution?</p> <p>20 A No.</p> <p>21 MS. BLAKE: Object to form.</p> <p>22 THE WITNESS: I'm sorry.</p> <p>23 MS. BLAKE: Yeah. That's fine.</p> <p>24 BY MR. LAROSE:</p>
<p style="text-align: right;">Page 59</p> <p>1 you this document, and your name is on it. And the 2 guy who wrote it doesn't have any power without 3 talking to you or the Board of Trustees. My question 4 now is, do you want to amend your testimony under oath 5 that you had nothing to do with this?</p> <p>6 MS. BLAKE: I'm going to object to the 7 mischaracterization of the testimony and the form of 8 your question. You're getting very argumentative.</p> <p>9 BY MR. LAROSE:</p> <p>10 Q All right. Let me ask it one more time. Do 11 you have anything to do with the cancellation of 12 Tri-State's contract?</p> <p>13 A What I was going to try to tell you, sir, 14 prior to this letter going out, we had Board meetings 15 where these types of decisions are discussed, and it 16 was the consensus of the Board that we should move to 17 another vendor.</p> <p>18 Q Okay. And, I'm sorry, but I've looked at 19 the minutes of the Board, and I didn't find any 20 minutes that said, "we're going to cancel the 21 contract." Hold on. Let me just strike what I just 22 said as a comment. Are there any minutes that reflect 23 the Board's decision to cancel the contract?</p> <p>24 A There should be. The clerk records our</p>	<p style="text-align: right;">Page 61</p> <p>1 Q Why not?</p> <p>2 A Again, when we were making the decision as 3 to what to do about sanitation contract, there was a 4 consensus of the Board per discussion among the 5 Trustees that we need to go in a different direction.</p> <p>6 Q When was that discussion?</p> <p>7 MS. BLAKE: If you don't remember, it's 8 okay to say that. I mean, I do have the document and 9 the agenda from the March 2018 meeting if we want to 10 just get right -- right to --</p> <p>11 MR. LAROSE: That would be great. I 12 don't have that document.</p> <p>13 MS. BLAKE: March 27, 2018, at 7:00 14 p.m., there was a regular Board meeting in the Village 15 of Riverdale where a motion was passed directing the 16 Chief of Staff on behalf of the Village to provide 17 notice to Tri-State Disposal that the Village was 18 declining any and all extensions provided in the 19 agreement and to obtain proposals from alternative 20 waste disposal contractors for review by the Village 21 Board on or before June 15, 2018. I didn't pull the 22 minutes --</p> <p>23 MR. LAROSE: Okay.</p> <p>24 MS. BLAKE: I just pulled the agenda.</p>

<p style="text-align: right;">Page 62</p> <p>1 MR. LAROSE: That's fine. Do you have 2 the minutes? 3 MS. BLAKE: I don't know. 4 MR. LAROSE: Can -- 5 MS. BLAKE: I don't know if I have them 6 on me. 7 MR. LAROSE: Can -- 8 MS. BLAKE: I'm sure I can get them 9 from the clerk. 10 MR. LAROSE: Marissa, can you take a 11 look, even if we have to go off-line, and see if you 12 can find, what was it, March 18th, did you say? 13 MS. BLAKE: March 27, 2018, and then 14 this letter was April 18, 2018. 15 MR. LAROSE: Okay. 16 MS. ALASKA: Okay. I will. 17 MR. LAROSE: Okay. So this was made by 18 at least voice vote if not resolution, is what you're 19 telling me? 20 MS. BLAKE: It says a motion, so I'm 21 not sure. 22 MR. LAROSE: Okay. 23 MS. BLAKE: You remember here? 24 THE WITNESS: I just remember it was</p>	<p style="text-align: right;">Page 64</p> <p>1 following the advice of my attorney. 2 Q Your attorney told you to tell Tim Williams 3 not to contact the contractor that was obligated to do 4 the spring clean-up and obligated to do it free of 5 charge? Is that what you're telling me? 6 MS. BLAKE: Object to form. I think 7 you said Tim Williams in there. 8 MR. LAROSE: I did say Tim Williams. 9 Jerome Russell. 10 MS. BLAKE: What was the question? 11 Sorry. 12 BY MR. LAROSE: 13 Q Jerome Russell testified that when he got 14 the inquiries from Tri-State about the spring clean-up 15 in 2018, like he had gotten inquiries for years prior 16 to that, he didn't respond to them because he was told 17 by you not to. Is it your testimony that that's 18 because that's what your lawyers told you to do? 19 MS. BLAKE: I'm objecting to 20 mischaracterization of the testimony. Number one, Mr. 21 Russell had never coordinated a spring clean-up before 22 was his testimony. Number two, Mayor Jackson just 23 testified that he wanted one point of contact for 24 Tri-State, and he was following his attorney's advice.</p>
<p style="text-align: right;">Page 63</p> <p>1 the consensus of the Board. 2 REPORTER: Mr. Blake -- or Ms. Blake, 3 could you have the witness move a little bit closer to 4 the speakerphone or whatever it is that you're using? 5 MS. BLAKE: Yeah. 6 REPORTER: That's great. You are -- 7 you are nice and clear, but Mr. Jackson is just a 8 little bit muffled. 9 THE WITNESS: Sorry, ma'am. 10 REPORTER: Oh, that's much better. 11 THE WITNESS: Thank you. 12 BY MR. LAROSE: 13 Q So if the obtaining quotes process could 14 occur from March 27th until June 15, 2018, how come 15 the bid process couldn't take that same timeframe? 16 A Sir, as I stated previously, I was following 17 the advice of my attorney. 18 Q Not to bid it? 19 A I was following the advice of my attorney. 20 Q Why did you tell Jerome Russell not to 21 correspond with Tri-State with respect to the 2018 22 spring clean-up? 23 A I wanted one point of contact between the 24 Village of Riverdale and Tri-State, and I was</p>	<p style="text-align: right;">Page 65</p> <p>1 There's two things there. And so your question is 2 missing quite a few things. 3 BY MR. LAROSE: 4 Q Who is the point of contact that you wanted? 5 A That would have been Timothy Williams. 6 Q Did you tell Tri-State that? 7 A I had not had conversations with Tri-State 8 for some time prior to my attorney's advice. 9 Q Did anyone tell Tri-State that Timothy 10 Williams was supposed to be the point of contact? 11 MS. BLAKE: I'm going to object to 12 foundation. If you know when other people told Tri- 13 State. 14 THE WITNESS: Exactly. I wouldn't know 15 when somebody else in there told Tri-State. 16 BY MR. LAROSE: 17 Q Pull out Exhibit Q, as in Q. 18 (Exhibit Q was marked for 19 identification.) 20 BY MR. LAROSE: 21 You know, let's hold onto that one for a 22 second. Hold on. Hold On. Hold on. Let's start 23 with G first. G as in girl. Tell me when you're 24 ready.</p>

<p style="text-align: right;">Page 66</p> <p>1 (Exhibit G was marked for 2 identification.) 3 THE WITNESS: I'm ready, sir. 4 BY MR. LAROSE: 5 Q Okay. So G is a, it looks like, a string of 6 two e-mails regarding the spring clean-up. The top 7 one is from Friday, March 16, 2018. The bottom one is 8 from Tuesday, March 20th. The first is to Mr. 9 Russell, copied to Chief Sharnhorst and Kathy from 10 Tri-State. The second one is to you, you know, 11 explaining that Jeff reached out to Russell and 12 Sharnhorst, and they're trying to schedule this spring 13 clean-up. Did you ever respond to this? 14 A Not to my knowledge. 15 Q Why not? 16 A Again, the point of contact was Tim 17 Williams, and I was following the advice of my 18 attorney. 19 Q Did you show this to your attorney? 20 A He may have seen it. I don't remember. 21 Q So if the point of contact was going to be 22 Tim Williams, why didn't you just tell Tri-State, 23 "Call Tim Williams."? 24 MS. BLAKE: Objection. Asked and</p>	<p style="text-align: right;">Page 68</p> <p>1 BY MR. LAROSE: 2 Q You sure as hell did. 3 A That's a matter you have got to take up with 4 Mr. Gonzalez, our Finance Budget Director. 5 Q That bill was approved by the Board through 6 a warrant. 7 MS. BLAKE: Well, then legislative 8 immunity as to why that was done. 9 BY MR. LAROSE: 10 Q So we'll get this straight. My client is 11 obligated to perform the spring clean-up pursuant to 12 their contract, free of charge. Right, Mayor? 13 MS. BLAKE: Do you know? 14 THE WITNESS: I'm not sure. 15 BY MR. LAROSE: 16 Q My client reaches out to set up the spring 17 clean-up, and no one, to your knowledge, responds to 18 them. Right, Mayor? 19 A To my knowledge, this is the first I'm 20 hearing of it. I thought that Mr. Williams was having 21 ongoing communications with Tri-State. 22 Q Okay. Flood Brothers gets hired to do the 23 spring clean-up. Do you have anything to do with 24 that?</p>
<p style="text-align: right;">Page 67</p> <p>1 answered. 2 MR. LAROSE: I don't think so. 3 THE WITNESS: I haven't had any 4 communications with the Germanys or Tri-State. 5 MR. LAROSE: Yeah. That's part of the 6 problem. 7 MS. BLAKE: That's not a question. 8 BY MR. LAROSE: 9 Q As far as you know, did anyone write to the 10 Germanys to tell them that Tim Williams was to be the 11 only point of contact? 12 MS. BLAKE: I'm going to object to 13 foundation and asked and answered. 14 BY MR. LAROSE: 15 Q Sir? 16 A Mr. Williams was delegated with the 17 responsibility of communicating with the Germanys and 18 Tri-State. If he did it or didn't do it, that would 19 have been on him. 20 Q How come you paid Flood Brothers 18,000 21 bucks to do the spring clean-up in 2018 that Tri-State 22 was obligated to do for free? 23 MS. BLAKE: Object to form. 24 THE WITNESS: Did we pay them \$18,000?</p>	<p style="text-align: right;">Page 69</p> <p>1 A No. I did not. 2 Q Who did? 3 A That probably would have been Mr. Williams. 4 Q Do you know that? 5 A I'm not certain. Probably Mr. Williams. 6 I'm not sure. 7 Q And are you telling me that this is the 8 first time that you're aware that \$18,000 was paid to 9 Flood Brothers to do the 2018 spring clean-up? 10 MS. BLAKE: Just object to form. 11 BY MR. LAROSE: 12 Q Sir? 13 A You know, I'm sure at the time the invoice 14 was submitted, I was aware of it, so I -- I, you know, 15 yes. I must have had some knowledge of it, yes. 16 Q So can you explain why it is that the 17 Village would have hired somebody else, paid them 18 \$18,000, for a job that my client was obligated, 19 ready, willing, and able to do for free? 20 MS. BLAKE: Object to foundation. 21 Legislative immunity. Privilege. You don't need to 22 answer. 23 BY MR. LAROSE: 24 Q Sir?</p>

18 (Pages 66 - 69)

<p style="text-align: right;">Page 70</p> <p>1 MS. BLAKE: I just directed him not to 2 answer. I think it's legislative privilege. 3 MR. LAROSE: It's not anything of the 4 sort. He's a defendant here, individually. I will 5 take this to the judge right now. We'll go off the 6 record, and we'll go to the judge right now. This 7 legislative immunity is a bunch of BS. 8 MS. BLAKE: Okay. 9 MR. LAROSE: He has the legislative 10 immunity for retaliating against my client. 11 MS. BLAKE: This isn't -- 12 MR. LAROSE: I want to know why my 13 client wasn't allowed to do the spring clean-up, and 14 people that are supposed to take care of the Village 15 of Riverdale paid eighteen grand to somebody else to 16 do it. That's what I want to know. 17 MS. BLAKE: Okay. 18 MR. LAROSE: You want to direct him? 19 You want to direct him not to answer? 20 MS. BLAKE: Yes. 21 MR. LAROSE: We'll go off the record, 22 and we'll get the judge on the phone right now. 23 MS. BLAKE: Sounds good. 24 MR. LAROSE: Okie-dokie. Let me see,</p>	<p style="text-align: right;">Page 72</p> <p>1 if the judge is available for a call this afternoon? 2 While we still have the Mayor on the record so that 3 she can make a ruling on this and we can get this 4 question answered? So, Victoria, I need you to -- 5 MS. BLAKE: I think that you should 6 give her the whole -- you know, if we're going to talk 7 to the judge, let's give her the whole background, not 8 just the one question. You've been -- 9 MR. LAROSE: Okay. 10 MS. BLAKE: -- asking the same question 11 multiple times. He's given you multiple answers. 12 MR. LAROSE: Yeah. 13 MS. BLAKE: Or certify it, Mark, 14 certify it and bring a motion. 15 MR. LAROSE: Well, that's just it. 16 Then what? I got -- it took me nine months to get the 17 Mayor before me now. It'll take me -- 18 MS. BLAKE: That wasn't -- that wasn't 19 all our fault. Let's not -- 20 MR. LAROSE: I didn't say -- 21 MS. BLAKE: -- say it's all our fault. 22 MR. LAROSE: I didn't say it was your 23 fault. The last three times were your fault. The 24 last three times it got canceled were your fault.</p>
<p style="text-align: right;">Page 71</p> <p>1 so we have got to set this thing up with for the judge 2 so she doesn't get tee'd off. So let's set it up. 3 Victoria, I'm going to ask the question. Erin's going 4 to make her objection, and then we'll tee it up with 5 the judge. 6 BY MR. LAROSE: 7 Q So the question, Mayor Jackson, is why did 8 the Village of Riverdale pay the Flood Brothers 9 \$18,000 to do the 2018 spring clean-up that Tri-State 10 Disposal was obligated to do under their contract -- 11 ready, willing, and able to do under their contract -- 12 free of charge. 13 MS. BLAKE: And my objection was, first 14 of all, it's asked and answered. He previously said, 15 "You'd have to ask the Treasurer." The Board approved 16 the bill, and Tim Williams was handling this. Second 17 of all, with the Board approval of the bills is what I 18 relating was legislative privilege. Why did they 19 approve the bill to Tri-State? That's a Board 20 decision, and that's a -- I'm sorry, to Flood Brothers 21 -- legislative decision by the Board. Therefore, 22 immunity. And privilege. 23 MR. LAROSE: Okie-dokie. Well, let's 24 do this. Marissa, can you try and set up, try and see</p>	<p style="text-align: right;">Page 73</p> <p>1 MS. BLAKE: Yeah, but it was just a 2 week's continuance. 3 MR. LAROSE: Yeah. A week here and a 4 week there. No. I asked the question, certify it, 5 whatever, that really means nothing. You know what it 6 means? The judge has got to make a decision. And 7 these federal judges, and this federal judge, in 8 particular, is not going to screw around. 9 I asked a clear question. I asked for 10 answer. You made an objection that was completely not 11 even close to following the rules. You could say 12 legislative immunity, and you could say form of the 13 question, and that's pretty much the only two you 14 could say. 15 I'm telling you, under the 16 circumstances, I'm asking this man as a defendant in 17 this case, a personal defendant in this case, a 18 question that he has no legislative immunity from. 19 Zero, zip zilch. So I asked the question. It's a 20 clear question. You made an objection, clear or not. 21 And the judge is going to decide whether he has to 22 answer the question or not. 23 MS. BLAKE: Okay. 24 MR. LAROSE: So Marissa --</p>

<p style="text-align: right;">Page 74</p> <p>1 MS. BLAKE: Carry on.</p> <p>2 MR. LAROSE: Call the judge's clerk and</p> <p>3 see if she's available. Tell her we're engaging in</p> <p>4 the deposition of the Mayor, it's going to go pretty</p> <p>5 much all afternoon, see if she's got a time, and then</p> <p>6 when we have a time, we'll take a break and give her a</p> <p>7 call, and we're probably going to need Victoria on the</p> <p>8 call because Victoria's going to have to read the</p> <p>9 question and the answer. Victoria, do you have the</p> <p>10 question and the answer?</p> <p>11 REPORTER: Yes. I will have to cue it</p> <p>12 up.</p> <p>13 MR. LAROSE: Okay. Well, get it queued</p> <p>14 up. Listen, we've been going now for an hour and a</p> <p>15 half. Get it queued up. Why don't we take a 5- or</p> <p>16 10-minute break, and then we'll delve back in. In the</p> <p>17 meantime, Marissa, maybe you can call the judge's</p> <p>18 clerk to see if she's available for a very short</p> <p>19 conference call with respect to these questions. And</p> <p>20 maybe we make it, if we can, later this afternoon,</p> <p>21 right? So that if we have any other questions that</p> <p>22 we're not going to get answers to, then we could bring</p> <p>23 those up, too. And Erin, there's another way to do</p> <p>24 this, I suppose. You can make your objection, which</p>	<p style="text-align: right;">Page 76</p> <p>1 on the record at 11:54.</p> <p>2 MR. LAROSE: Okay. But I need you to</p> <p>3 read that -- sorry.</p> <p>4 REPORTER: Okay.</p> <p>5 MR. LAROSE: I need you to read that on</p> <p>6 the record.</p> <p>7 REPORTER: Okay.</p> <p>8 MR. LAROSE: We're going to try and</p> <p>9 resolve this thing by not having to call the judge, by</p> <p>10 repeating the question, and seeing if they want to</p> <p>11 answer.</p> <p>12 REPORTER: Okay. All right. All</p> <p>13 right. I went way too far. Okay. On the record, the</p> <p>14 question is, why did the Village of Riverdale pay the</p> <p>15 Flood Brothers \$18,000 to do the 2018 spring clean-up</p> <p>16 that Tri-State Disposal was obligated to do under the</p> <p>17 contract -- ready, willing, and able to do under their</p> <p>18 contract -- free of charge?</p> <p>19 MS. BLAKE: Object to form.</p> <p>20 Foundation. But I will allow him to answer over the</p> <p>21 objection.</p> <p>22 MR. LAROSE: Thank you.</p> <p>23 THE WITNESS: So with -- with regards</p> <p>24 to the annual clean-up, I have never supervised or</p>
<p style="text-align: right;">Page 75</p> <p>1 is preserved for the record, and just let him answer</p> <p>2 the question which is --</p> <p>3 MS. BLAKE: I could. I could. I'll</p> <p>4 think about that when we take our break.</p> <p>5 MR. LAROSE: Well, think about that,</p> <p>6 because I think that's the -- I don't want to -- I'm</p> <p>7 not going to bother this judge piecemeal, but I think</p> <p>8 this is a big question, and the question couldn't be</p> <p>9 more simple. Why did that happen?</p> <p>10 MS. BLAKE: Okay.</p> <p>11 MR. LAROSE: Okay.</p> <p>12 MS. BLAKE: All right. We'll be back</p> <p>13 in ten.</p> <p>14 MR. LAROSE: Yeah. So back at -- I got</p> <p>15 12:32, so why don't we get back at 12:45? It's 12:45</p> <p>16 my time. I'm in Michigan. So 11:45? Okie-dokie.</p> <p>17 Thanks. Okay. How do I do this?</p> <p>18 REPORTER: Okay. We are now off the</p> <p>19 record -- you just put it on mute.</p> <p>20 MR. LAROSE: Mute.</p> <p>21 REPORTER: -- and turn off your video.</p> <p>22 And we are now off the record at 11:33 Central time.</p> <p>23 (Off the record.)</p> <p>24 REPORTER: All right. We're now back</p>	<p style="text-align: right;">Page 77</p> <p>1 managed the coordination of that program or project.</p> <p>2 That was given to Mr. Tim Williams. Mr. Williams</p> <p>3 opted to go with a different vendor. The Board of</p> <p>4 Trustees upheld his decision and paid the bill.</p> <p>5 BY MR. LAROSE:</p> <p>6 Q And you didn't have anything to do with it?</p> <p>7 A Not at all, sir.</p> <p>8 Q Okay.</p> <p>9 MR. LAROSE: We're going to get some</p> <p>10 barking here in a minute because I have a visitor</p> <p>11 delivering something. It's the product of being a</p> <p>12 country lawyer with Labradors. Sorry, you guys.</p> <p>13 BY MR. LAROSE:</p> <p>14 Q I want to follow up on something we talked</p> <p>15 about a little bit earlier, Mayor. Do you remember a</p> <p>16 specific meeting with Sheryl and Jeff, Dave Gonzalez,</p> <p>17 and you at city hall that discussed the issue of</p> <p>18 whether Riverdale Materials would be required to pay</p> <p>19 royalties and/or post a closure security?</p> <p>20 A You know what, we may have had those</p> <p>21 meetings, I -- you know, prior to breakdowns in</p> <p>22 communication and before I transferred the</p> <p>23 communication responsibilities over to Mr. Williams,</p> <p>24 Jeff and I used to talk regularly. One of his primary</p>

20 (Pages 74 - 77)

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1 concerns was trying to reduce his taxes. You know, at
 2 one point, he even made mention of trying to have his
 3 parcel annexed to the Village of Dixmoor. So him and
 4 I would talk regularly. We would go out for lunch and
 5 talk regularly. We had several conversations. We may
 6 have -- may or may not have talked about -- about
 7 these host fees that you're mentioning.
 8 Q What was the cause of the breakdown of
 9 communication?
 10 A Tri-State, near to end, they were becoming
 11 very hostile, very aggressive in their communication.
 12 We were having some serious financial problems, and
 13 we -- we were backed up on our invoices, paying them.
 14 And I was trying to handle the situation as
 15 professionally as possible, and -- and letting Mr.
 16 Germany know that I don't handle the day-to-day
 17 operations of accounts payable, but if it's a -- if a
 18 vendor has a concern about non-payment, I do bring it
 19 up to our Budget Director, our Treasurer, David
 20 Gonzalez.
 21 And I -- I think, you know, that it caused
 22 some stress and some strain in the relationship, you
 23 know. And I -- I understand that because, you know,
 24 the Germanys have their expenditures, too. Payroll

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1 and insurance and taxes. But we were doing the best
 2 we could at the time. And, you know, when things just
 3 got to a point where I couldn't tolerate any longer, I
 4 told Mr. Williams, "I want you to handle this vendor
 5 and oversee their account."
 6 You know, there were times where, you know,
 7 representatives from the Germanys were calling the
 8 Villages up three, four times a day, and they were
 9 directing questions to people who had nothing to do
 10 with accounts payable. And the clerical staff was
 11 complaining about that. You know, they felt like they
 12 were being interrogated, being harassed, to the point
 13 where I had written a letter to the Germanys asking
 14 them not to communicate with us via telephone.
 15 Q We'll go over that in a little bit. Back to
 16 the point --
 17 A And Mr. Germany -- Mr. Germany and I had
 18 exchanged our personal cell phones. And so I was also
 19 getting the text messages as well about getting paid.
 20 You know, so I -- I tried to work with them and, you
 21 know, my apologies for backing away, but, you know,
 22 this was something that I had no control over. You
 23 know, every -- every vendor that was doing business
 24 with the Village of Riverdale, their payments were

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1 backlogged for months.
 2 Q Okay. So we got a little bit off track
 3 there. I appreciate all that that you just said. But
 4 do you remember whether there was a specific meeting
 5 with you, and Dave Gonzales, and Sheryl, and Jeff
 6 where the issue of Riverdale Materials paying
 7 royalties and/or closure bonds occurred?
 8 A I wouldn't have met with the Germanys about
 9 Riverdale Materials paying royalties.
 10 Q Okay. So --
 11 A I did meet with the Germanys about their
 12 royalties, and that matter was given to Mr. Gonzalez
 13 to handle.
 14 Q Okay. And the reason why I'm following up
 15 on this is because I didn't want you to get hung up.
 16 I think my previous questions in this regard was, "Did
 17 you assure them that Riverdale Materials would have to
 18 pay royalties and/or a closure bond." I didn't want
 19 you to get hung up on the word "assure," but what
 20 you're telling me right now, your testimony is, you
 21 never had any discussions with them with --
 22 A No. I didn't say that. I may have had a
 23 conversation with them. Keep -- keep in mind, sir, I
 24 meet with a lot of people regarding a lot of different

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1 issues, and even though I may take the -- the
 2 preliminary meeting to find out what the issue is,
 3 it's usually passed off to a department head who had
 4 more knowledge or expertise of the problem. In this
 5 particular case, that would have been Mr. Gonzalez.
 6 Seeing that he's a CPA and he's handling our finances;
 7 he would be better able to gauge how the Village would
 8 be impacted by such a decision.
 9 Q Okay. I'm just trying to get to what you
 10 remember about whether or not you talked to the
 11 Germanys about Riverdale Materials paying royalties or
 12 posting a closure bond. Do you remember anything like
 13 that?
 14 A I never had a conversation with the Germanys
 15 about Riverdale Materials.
 16 Q Okay. Do you think -- never mind. I think
 17 we covered this already, and I don't want to -- we've
 18 got plenty to go through. I don't want to backtrack.
 19 Now that we're on this kind of subject let's look at
 20 Exhibit Q. Q as in Q. Foods that start with the
 21 letter Q? No one's laughing. No one knows what
 22 that's from.
 23 MS. BURKE: Quesadilla. Queen.
 24 MR. LAROSE: Foods that start with the

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1 letter Q. Remember? From White Men Can't Jump?

2 MS. BURKE: Oh. No. I didn't remember

3 that. I haven't --

4 MR. LAROSE: Woody --

5 MS. BURKE: -- seen that movie in a

6 long time.

7 MR. LAROSE: Woody Harrelson's

8 girlfriend went on Jeopardy, and the category was

9 "Foods that Start with the Letter Q," and she, like,

10 won, I don't know, \$100,000 or something.

11 BY MR. LAROSE:

12 Q Tell me when you're ready, Mayor.

13 A I'm ready, sir.

14 Q Okay. So this is the letter you referred

15 to. Do Not Call Request. Do you remember ever

16 issuing a letter like this, other than this one, in

17 your entire term as Mayor since 2013?

18 A No. Though I -- I do have to say that I've

19 never had a vendor engage the Village in such a

20 disrespectful and offensive manner.

21 Q So we asked, in discovery and in FOIA

22 requests, for any documents about disrespectful and

23 harassing manner, and we never got any. And when I

24 asked Jerome Russell about it, he said he had no idea.

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1 And when I asked Dave Gonzalez about it, he said he

2 had no idea. So do you have pieces of paper that

3 document any of this stuff you're referring to in

4 Exhibit Q?

5 A No. I don't have any documentation, but

6 there were times when I would come to work, and the

7 clerks would say, you know, "We received a call from

8 Tri-State. They want to know when they're getting

9 paid." Or my -- my HR director would tell me that

10 some of the staff members are complaining about

11 Tri-State calling and being overly aggressive in

12 inquiring about their payments.

13 Q Okay. So this letter goes out on April

14 25th. When did these employees complain about hostile

15 and harassing style of communications?

16 A You know, that -- we didn't keep an official

17 record of it. And I'm -- I'm going to say this to

18 you, Mr. LaRose. I -- I took their complaints to be

19 credible because I, too, were getting the same

20 harassing calls.

21 Q And was it harassing just because they

22 wanted to get paid the over \$300,000 that you owed

23 them?

24 A Harassing as in multiple calls about the

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1 same subject. Wanted to know why couldn't they get

2 paid, when they were going to get paid. But, you

3 know, I would direct them to accounts payable. And

4 for some reason, that wasn't sufficient enough for

5 them. I -- I really believe that the motive was to --

6 to be a nuisance and to embarrass the Village.

7 Q Why do you believe that?

8 A Why would you call me four or five times in

9 one day asking about payments, and --

10 Q You have phone records that prove that?

11 A Well, not anymore. I mean, you would have

12 to get it from Boost Mobile.

13 Q All right. What's your cell phone number?

14 A (708) 545-1770.

15 Q And Booth Mobile is the --

16 A Boost. Boost Mobile.

17 Q B-O-O-T-H?

18 A Yeah, B-O-O-S-T.

19 Q B-O-O-S-T. Boost Mobile. And is that the

20 carrier you had back in 2018?

21 A Actually, it's still my provider.

22 Q Okay. Good. So who were the employees that

23 complained?

24 A I don't recall, sir.

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1 Q Okay. And after this directive, do not call

2 request, did Tri-State or anybody from Tri-State

3 continue to call?

4 A I didn't receive any more calls.

5 Q And did you receive any more so-called

6 complaints?

7 A No.

8 Q With all of the calls that supposedly

9 happened, and I don't doubt that some of them

10 happened, but that supposedly happened with respect

11 to, "When are we going to get paid?" did anyone

12 respond to them in writing that says, "We're going to

13 pay you as soon as we can. Thank you for your

14 patience. We just don't have the money right now."

15 Or anything like that?

16 A So my understanding, Mr. LaRose, is that Mr.

17 Gonzalez, as well as those working in accounts

18 payable, contacted the Germanys and informed them of

19 our financial predicament. If I'm not mistaken,

20 partial payments were made. But, you know, this was a

21 problem that we were dealing with with all of our

22 vendors. We were behind on bills, and we had to

23 actually get an advance on our future tax revenues

24 that were going to come in.

<p style="text-align: right;">Page 86</p> <p>1 Q But that didn't happen until the summer of 2 '18.</p> <p>3 A I -- I don't remember the exact time, but I 4 do know what was going on and what led up to us having 5 to get an advance.</p> <p>6 Q When I showed Mr. Gonzalez a letter from 7 another counsel for Tri-State saying that, you know, 8 the bills were past due and all that, he said he never 9 saw it before. And he said that he didn't correspond 10 with Tri-State in any way to tell them why their bills 11 were being held up. Do you know differently?</p> <p>12 A It would have been Mr. Gonzalez's or Mr. 13 Williams' responsibility to notify them of our 14 financial situation.</p> <p>15 Q Yeah, hold on.</p> <p>16 MR. LAROSE: Erin, you guys froze up 17 for a second there. And now it's saying my internet 18 connection is unstable. I don't know.</p> <p>19 MS. BLAKE: It looks -- we --</p> <p>20 MR. LAROSE: I'm unstable, but I don't 21 know about my internet connection.</p> <p>22 BY MR. LAROSE:</p> <p>23 Q So let's try this one again because you cut 24 out there for a minute there, Mayor. When I showed</p>	<p style="text-align: right;">Page 88</p> <p>1 sent to you, it's copied to your Chief of Staff, and 2 it looks like the rest of the Trustees. Do you 3 remember seeing this document?</p> <p>4 A I don't remember, but I -- I take it -- it's 5 legit.</p> <p>6 Q Okay. Did you respond to it?</p> <p>7 A No. If I --</p> <p>8 Q Did anyone?</p> <p>9 A I'm sorry.</p> <p>10 Q Do you know if anyone did?</p> <p>11 A When I receive letters like this from 12 counsel, I turn it over to our legal department. So 13 most likely, that would have went to my attorney, Matt 14 Welch.</p> <p>15 Q Okay. But since it's an inquiry just about 16 payments and not about anybody going to sue you or 17 anything like that, why wouldn't it have gone to Dave 18 Gonzales?</p> <p>19 A Sir, I've always felt it better to let 20 lawyers handle other lawyers.</p> <p>21 Q Probably a wise move. So do you recall that 22 you didn't send it to Gonzalez because he said he 23 never saw this?</p> <p>24 A I know I sent it to my attorney. How it was</p>
<p style="text-align: right;">Page 87</p> <p>1 Dave Gonzalez an exhibit that I'm going to show you in 2 a minute, which was a letter from another lawyer that 3 represents Tri-State about the outstanding bills, 4 first he said he had never seen it, and second, he 5 said, "I never corresponded with anybody from 6 Tri-State to tell them why we're not paying them." Do 7 you know differently?</p> <p>8 A No. I don't.</p> <p>9 Q All right. Let's, while we're on that 10 subject -- okay. Look at Exhibit L, please. L as in 11 LaRose.</p> <p>12 (Exhibit L was marked for 13 identification.)</p> <p>14 MS. BLAKE: L, you said?</p> <p>15 MR. LAROSE: L as in LaRose. That is 16 correct.</p> <p>17 BY MR. LAROSE:</p> <p>18 Q You got it, Mayor?</p> <p>19 A Okay, sir.</p> <p>20 Q So this document, Exhibit L, is dated 21 February 27, 2018. It's a letter addressed to you by 22 Federal Express. And it's from Ken Bellah on behalf 23 of Tri-State inquiring about outstanding bills as of 24 that date to the tune of 192,000 and change. It's</p>	<p style="text-align: right;">Page 89</p> <p>1 handled from there, I'm not sure.</p> <p>2 Q And do you know whether anybody, whether it 3 was your attorney or anyone else, responded to this 4 letter?</p> <p>5 MS. BLAKE: Object to foundation.</p> <p>6 THE WITNESS: I wouldn't know that.</p> <p>7 MR. LAROSE: Okay.</p> <p>8 THE WITNESS: How am I expected to know 9 that?</p> <p>10 MS. BLAKE: You're not.</p> <p>11 THE WITNESS: Okay.</p> <p>12 MS. BLAKE: He's just trying to see if 13 you did.</p> <p>14 BY MR. LAROSE:</p> <p>15 Q If -- strike that. We know that Tri-State 16 didn't perform the spring clean-up in 2018, but they 17 did in 2019. Are you aware of that?</p> <p>18 A No. I am not.</p> <p>19 Q So you didn't have anything to do with them 20 doing their job pursuant to the contract under the 21 spring clean-up in 2019?</p> <p>22 A Mr. LaRose, as I stated earlier, I don't 23 handle the coordination of that program.</p> <p>24 Q So the answer would be "No. I didn't have</p>

<p style="text-align: right;">Page 90</p> <p>1 anything to do with it." Correct?</p> <p>2 A Exactly.</p> <p>3 MR. LAROSE: Erin?</p> <p>4 MS. BLAKE: Yeah. Sorry.</p> <p>5 MR. LAROSE: That's all right. Let's</p> <p>6 look at H as in Henry and I as in Identical.</p> <p>7 (Exhibits H and I were marked for</p> <p>8 identification.)</p> <p>9 MS. BLAKE: Okay.</p> <p>10 BY MR. LAROSE:</p> <p>11 Q So H is a flyer for the 2018 Community</p> <p>12 Clean-up. That's the spring clean-up. Right, Mayor?</p> <p>13 A Yes, sir.</p> <p>14 Q Okay. And then I is a banner or a picture</p> <p>15 of a banner or sign or something like that, for the</p> <p>16 same thing. Right?</p> <p>17 MS. BLAKE: Say yes.</p> <p>18 MR. LAROSE: Mayor?</p> <p>19 MS. BLAKE: Let him know you heard him.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. LAROSE:</p> <p>22 Q Okay. That was easy. Did you personally</p> <p>23 receive any complaints about how Tri-State performed</p> <p>24 the spring clean-up in the past?</p>	<p style="text-align: right;">Page 92</p> <p>1 A No.</p> <p>2 Q The complaints that you received about</p> <p>3 Tri-State, could we characterize them as kind of</p> <p>4 run-of-the-mill?</p> <p>5 A Exactly.</p> <p>6 Q Okay. Same type of complaints that you</p> <p>7 would receive from people about any municipal service?</p> <p>8 A And -- and Flood.</p> <p>9 Q Right. And so you know, being the mayor and</p> <p>10 being involved in politics, sir, people are going to</p> <p>11 complain no matter what about something. Right?</p> <p>12 A Yes, sir.</p> <p>13 Q So that's kind of how I characterize</p> <p>14 run-of-the-mill. Right?</p> <p>15 A Yes.</p> <p>16 Q Okay. You have any knowledge about Jim</p> <p>17 Bracken calling me up and waking me up out of bed, and</p> <p>18 threatening me?</p> <p>19 A No.</p> <p>20 Q Okay. You haven't talked to him about that?</p> <p>21 A No.</p> <p>22 Q So with respect to the payments to</p> <p>23 Tri-State, or really, any other vendor, but I'm most</p> <p>24 concerned about them, can you walk me through the</p>
<p style="text-align: right;">Page 91</p> <p>1 A Any complaints would have gone to the Public</p> <p>2 Works Director, Jerome Russell.</p> <p>3 Q I can only ask you what you know. So would</p> <p>4 the answer be, "No, I never received any personal</p> <p>5 complaints?"</p> <p>6 A I have gotten complaints in the past, but</p> <p>7 they were directed to Mr. Russell to handle.</p> <p>8 Q Okay. About the spring clean-up?</p> <p>9 A Mm-hmm.</p> <p>10 Q You have to say yes or no.</p> <p>11 A Yes. My apologies. Yes.</p> <p>12 Q When were those?</p> <p>13 A I don't remember, you know, when they</p> <p>14 occurred and the nature of them. But you do have</p> <p>15 people who call and complain, as they do with</p> <p>16 shoveling snow, or police calls, and other things that</p> <p>17 pertain to municipal services.</p> <p>18 Q Did any of the complaints that you received</p> <p>19 in any nature about Tri-State have anything to do with</p> <p>20 the Village canceling or not renewing their contract?</p> <p>21 A No.</p> <p>22 Q Did any of the complaints that you received</p> <p>23 of any nature have anything to do with Flood Brothers</p> <p>24 performing the 2018 spring clean-up and not Tri-State?</p>	<p style="text-align: right;">Page 93</p> <p>1 process of how invoices get paid in the Village of</p> <p>2 Riverdale?</p> <p>3 A Payments are at the sole discretion of the</p> <p>4 Budget Director, our Treasurer. He prioritizes</p> <p>5 what -- what bills need to be paid first. I know at</p> <p>6 one point, he told me that payments were being</p> <p>7 partially made based on some type of formula or</p> <p>8 percentage basis that he was working on. But I -- I</p> <p>9 don't interfere with that because I don't have the</p> <p>10 expertise. I'm not a Certified Public Accountant.</p> <p>11 Q And the Budget Director and Treasurer, I</p> <p>12 thought he was Finance Director, whatever. That's</p> <p>13 Dave, Gonzalez. Right?</p> <p>14 A Yes. I'm sorry. The titles are</p> <p>15 interchangeable.</p> <p>16 Q Right. That's fine. And I was really kind</p> <p>17 of getting to the larger picture on the process. And</p> <p>18 let me see if I can take you through you it from what</p> <p>19 other people have testified to so that we can nail it</p> <p>20 down with you. So invoice comes in from Tri-State.</p> <p>21 Right?</p> <p>22 A Yes, sir.</p> <p>23 Q It goes to the department head, or at least</p> <p>24 did at some time, to the department head regarding</p>

<p style="text-align: right;">Page 94</p> <p>1 that type of business. In this case, for a long time, 2 Jerome Russell. Right? 3 A Right. 4 Q And then Russell initials it, and it goes on 5 some warrant list, a list of invoices to be approved 6 by the Board. Correct? 7 A Yes. 8 Q And then the next formal meeting of the 9 board after the warrant list is prepared, the Board 10 votes to approve those payments. Correct? 11 A No. It's a process. So each invoice that 12 comes into the Village of Riverdale, it's assigned to 13 its respective department. In this case, with 14 Tri-State, it would have been Public Works. Mr. 15 Russell would have the responsibility of coding the 16 invoice. So sanitation has a budget line-item number 17 that he puts on there. He basically signs it. From 18 there, it goes to accounts payable. Then we have a 19 Trustee, our Senior Trustee who serves as our Finance 20 Chairman, will review the process, look at all the 21 invoices, sign off on it. From there, it goes to the 22 Board of Trustees for a full vote. From there, the 23 Board has now given Mr. Gonzalez the authority to 24 issue payments to these different vendors.</p>	<p style="text-align: right;">Page 96</p> <p>1 implied. It never came out directly and said such, 2 but Mr. Germany, on occasion when I would talk to him 3 on the phone, he made it clear that his workers don't 4 work for free and that his trucks don't run on water. 5 So he was letting me know in a very subtle way that if 6 we didn't get them the money, don't expect the garbage 7 to be picked up. 8 Q Did he say those words? 9 A No. That's what I -- that's what I'm 10 saying. It was implied. 11 Q Okay. Did you ever receive anything in 12 writing from anybody from Tri-State saying, "Since you 13 owe us \$300,000, we can't continue to pick up the 14 garbage"? 15 A I -- no. I don't recall getting any written 16 communication like that. 17 Q But you did receive those communications 18 from Floor Brothers. Didn't you? 19 A I don't recall that, either. 20 Q So Flood Brothers didn't ever threaten to 21 suspend service or issue a notice that service would 22 be suspended if they didn't get paid? 23 A If we received a letter like that, that 24 would have been handled by Mr. Gonzalez.</p>
<p style="text-align: right;">Page 95</p> <p>1 Q How long ago did Gonzalez get that 2 authority? 3 A He had it upon his appointment. 4 Q Do you remember when that was? 5 A Mr. Gonzalez has been with me now, I'd say 6 six, almost seven years. 7 Q Okay. So he would have had it back before 8 the time that we got into controversy about payments 9 in '15, '16, something like that? 10 A Right. You know, I -- I understand your -- 11 your question and your concerns about payments to 12 Tri-State. I really wish they had not taken so 13 personally. You know, had -- had Mr. Germany been a 14 little bit more sensible in his communication, I would 15 have been more than happy to show him the stack of 16 bills on my desk that were unpaid. You know, we 17 didn't pay our attorneys. We couldn't pay our 18 accountants. We couldn't pay our engineers. We were 19 behind on our insurance payments. At that particular 20 time, we had just enough money for operations. That's 21 payroll, utilities, things of that nature. 22 Q Did Tri-State ever threaten to cut off their 23 services because they weren't getting paid? 24 A It was not -- it was implied. It was</p>	<p style="text-align: right;">Page 97</p> <p>1 Q So you're not aware of that? 2 A I don't recall that. 3 Q If Tri-State would have threatened directly 4 to terminate the services until they got paid, what 5 would have happened then? 6 A I would have to consult with my attorney as 7 to what options were available. 8 Q Do you know, so I've been over all the 9 records. You don't have to believe me, but I'm going 10 to tell you what the truth is. That for years, even 11 though they were supposed to be paid in 15 days, they 12 got paid between 30 and 45 days. For years. 13 Including through 2016. Then in 2017, when they start 14 objecting to Riverdale Materials, they're two, three, 15 four, sometimes five months late. Do you know why 16 that changed from time to time? 17 MS. BLAKE: I'm going to object to the 18 form of the question. 19 MR. LAROSE: Let me try and -- it was 20 kind of a convoluted question. And a valid objection. 21 BY MR. LAROSE: 22 Q Why did Riverdale get paid on a more timely 23 basis for an extended period of time, and later on, a 24 less timely basis?</p>

<p style="text-align: right;">Page 98</p> <p>1 A Riverdale? What do you mean, sir?</p> <p>2 MS. BLAKE: I think he meant Tri-State.</p> <p>3 MR. LAROSE: I'm sorry.</p> <p>4 THE WITNESS: Okay.</p> <p>5 MR. LAROSE: I did.</p> <p>6 BY MR. LAROSE:</p> <p>7 Q Let me say it again. Sorry. Do you know</p> <p>8 why Tri-State got paid for an extended period of time</p> <p>9 on a more timely basis, and then starting in the fall</p> <p>10 of 2017, on a less timely basis?</p> <p>11 A I know that we had some serious financial</p> <p>12 problems, but the decision to make payments to certain</p> <p>13 vendors, that is the sole discretion of Mr. Gonzalez.</p> <p>14 Q Why did Flood Brothers get paid on a more</p> <p>15 timely basis than Tri-State?</p> <p>16 MS. BLAKE: Object to foundation.</p> <p>17 THE WITNESS: Do I have to answer that?</p> <p>18 MS. BLAKE: You have to answer if you</p> <p>19 know.</p> <p>20 THE WITNESS: I -- I don't know.</p> <p>21 BY MR. LAROSE:</p> <p>22 Q Is that surprising to you?</p> <p>23 A I'm not surprised by it, but I have to say</p> <p>24 this: I'm usually not aware that there's a problem</p>	<p style="text-align: right;">Page 100</p> <p>1 A Do you mind rephrasing the question?</p> <p>2 Q Sure. I don't mind. Sometime before July</p> <p>3 of 2019, there were complaints by multi-family</p> <p>4 residents that were served by different contractors</p> <p>5 about trash pickup. Do you remember that?</p> <p>6 A Vaguely. Yes.</p> <p>7 Q Do you remember that you made the comment</p> <p>8 that you were going to contact counsel to get these</p> <p>9 vendors' licenses revoked?</p> <p>10 A I don't --</p> <p>11 Q Do you remember saying anything like that?</p> <p>12 A No, sir. I don't remember saying that.</p> <p>13 MR. LAROSE: Marissa, will you text me</p> <p>14 where that came from so that I don't got to go</p> <p>15 fumbling around for it, please?</p> <p>16 BY MR. LAROSE:</p> <p>17 Q Was Flood Brothers one of the companies that</p> <p>18 people were complaining about?</p> <p>19 MS. ALASKA: Yes. I'm going to text</p> <p>20 you the exhibit number right now. It's double O.</p> <p>21 MR. LAROSE: Okay. But hold on.</p> <p>22 MS. ALASKA: Yes.</p> <p>23 MR. LAROSE: I was asking him a</p> <p>24 question. So it's double O right now, which is the</p>
<p style="text-align: right;">Page 99</p> <p>1 unless vendors are calling me or unless Mr. Gonzales</p> <p>2 is saying, "Hey, we have a cash flow issue." By the</p> <p>3 time Flood Brothers came in, I think we were turning a</p> <p>4 curve on our financial woes. I'm not sure.</p> <p>5 Q And the records seem to bear that out. But</p> <p>6 if you're turning the corner on your financial woes,</p> <p>7 why wouldn't the older vendors, meaning the vendors</p> <p>8 that had the oldest invoices, like Tri-State, get paid</p> <p>9 before the vendors that had the new invoices, like</p> <p>10 Flood Brothers?</p> <p>11 MS. BLAKE: Object to foundation.</p> <p>12 THE WITNESS: That would be a Mr.</p> <p>13 Gonzalez question, sir, respectfully.</p> <p>14 BY MR. LAROSE:</p> <p>15 Q I asked him that. He didn't know either.</p> <p>16 Okay. So just to clear this up, you didn't have</p> <p>17 anything to do with directing anybody, Mr. Gonzalez or</p> <p>18 anybody else, to hold back payments to Tri-State?</p> <p>19 A Not at all. That -- I mean, not at -- not</p> <p>20 at all.</p> <p>21 Q Okay. There was a point in time when -- and</p> <p>22 it was before Tri-State's contract terminated -- when</p> <p>23 there were complaints about other garbage contractors</p> <p>24 at the multi-family units. Do you remember that?</p>	<p style="text-align: right;">Page 101</p> <p>1 exhibit that I need to show him?</p> <p>2 MS. ALASKA: Yeah.</p> <p>3 MR. LAROSE: All right.</p> <p>4 MS. ALASKA: Starting page 47.</p> <p>5 MR. LAROSE: All right.</p> <p>6 MS. BLAKE: Hold on. I've got to go</p> <p>7 find double O. Just a minute.</p> <p>8 MR. LAROSE: Yup.</p> <p>9 MS. BLAKE: My exhibits only go up to</p> <p>10 double K.</p> <p>11 MR. LAROSE: Yeah. I think you got</p> <p>12 double O yesterday, but I can.</p> <p>13 MS. BLAKE: No. Those only went up to</p> <p>14 double K, and so I was looking --</p> <p>15 MS. ALASKA: No. It was attached to</p> <p>16 the e-mail here. I don't know why --</p> <p>17 MR. LAROSE: Well, and Erin, maybe we</p> <p>18 can get through this in another way. Double O is the</p> <p>19 Village's response to our second request for</p> <p>20 production, and the documents attached thereto, which,</p> <p>21 let's see --</p> <p>22 MS. BLAKE: That works. Oh. I see it</p> <p>23 at the bottom there. Little Exhibit OO. Okay. We</p> <p>24 got it.</p>

<p style="text-align: right;">Page 102</p> <p>1 BY MR. LAROSE:</p> <p>2 Q All right, so, Mayor, take a look at RD047</p> <p>3 on Exhibit OO.</p> <p>4 (Exhibit OO was marked for</p> <p>5 identification.)</p> <p>6 BY MR. LAROSE:</p> <p>7 Q Does that refresh your recollection as to</p> <p>8 whether you wanted to revoke some licenses or at least</p> <p>9 contact legal counsel to do so?</p> <p>10 A Yes. And well, sir, your question, and I</p> <p>11 don't mean this to be disrespectful and kind of taken</p> <p>12 out of context. This e-mail was generated to</p> <p>13 department heads because we were having a problem with</p> <p>14 trash everywhere, and I was on Code Enforcement to</p> <p>15 clean the town up. One of the problems that we were</p> <p>16 experiencing is we have a high vacancy rate of homes</p> <p>17 that are abandoned, which causes us to have dumping</p> <p>18 everywhere.</p> <p>19 And we have homeowners and landlords; their</p> <p>20 properties were in foreclosure; they weren't paying</p> <p>21 their sanitation bills. So the tenants were sitting</p> <p>22 trash out everywhere. Raccoons and possums were</p> <p>23 gnawing at the trash, and it was -- it was a mess.</p> <p>24 People who were not picking up trash and landlords</p>	<p style="text-align: right;">Page 104</p> <p>1 and object to form again because your second request</p> <p>2 for production asks for complaints regarding</p> <p>3 multi-family units in the Village. It doesn't ask</p> <p>4 about Tri-State specifically. It asks about</p> <p>5 complaints regarding multi-family units in the</p> <p>6 Village.</p> <p>7 MR. LAROSE: Okay. So were there any</p> <p>8 complaints --</p> <p>9 MS. BLAKE: -- the production, and --</p> <p>10 THE WITNESS: Exactly.</p> <p>11 BY MR. LAROSE:</p> <p>12 Q Well, I got it. So have you --</p> <p>13 A My question -- my answer to you, sir, I'm</p> <p>14 glad you brought this up so you -- it demonstrates</p> <p>15 that Tri-State was not being singled out. They were</p> <p>16 being held to the same standard as everyone else, or</p> <p>17 everyone else was being held to the same standard as</p> <p>18 Tri-State. And when we had vendors that were coming</p> <p>19 to town to pick up garbage, and they would leave bulk</p> <p>20 items like sofas and other things like that, that's</p> <p>21 unacceptable. You can't do that. So yes, we did</p> <p>22 threaten revocation of business licenses if they could</p> <p>23 not do -- perform their duties per contract or per</p> <p>24 ordinance. But I'm glad you brought this up because</p>
<p style="text-align: right;">Page 103</p> <p>1 that were not being responsible faced revocation of</p> <p>2 their occupancy permits and their business licenses</p> <p>3 for not fulfilling the obligations per ordinance.</p> <p>4 Q Yeah. But this one on page 47 doesn't refer</p> <p>5 to landlords or occupants. It refers to sanitation</p> <p>6 vendors. Garbage companies. Right?</p> <p>7 A Correct.</p> <p>8 Q Okay. And then behind this, page 48, that's</p> <p>9 a picture of Waste Management's dumpster. Page 49, a</p> <p>10 picture of Flood Brother's dumpster. Page 50, a</p> <p>11 picture of Republic Service's dumpster. We asked for</p> <p>12 complaints, in these documents, about Tri-State. And</p> <p>13 what we got back was you're going to revoke the</p> <p>14 licenses of, you know, maybe these other companies. I</p> <p>15 don't know. Do you have any pictures about Tri-State?</p> <p>16 A Mr. LaRose, let me -- hold on for a second.</p> <p>17 Q It's all right. Take your time. I mean, I</p> <p>18 -- that's what we're trying to get at here. I mean,</p> <p>19 we asked in discovery, a legal document in this case,</p> <p>20 give us the complaints. And what we got was, you're</p> <p>21 going to revoke the licenses of some of these people,</p> <p>22 or at least talk to counsel about it, and none of them</p> <p>23 is us.</p> <p>24 MS. BLAKE: I'm just going to go ahead</p>	<p style="text-align: right;">Page 105</p> <p>1 Tri-State was not singled out in any way.</p> <p>2 Q Was Tri-State not part of this production</p> <p>3 because they weren't behaving the same way?</p> <p>4 A Tri-State most likely was not part of this</p> <p>5 production because the Board had passed an ordinance</p> <p>6 requiring multi-family dwellings to use Flood.</p> <p>7 Q I think this was before that, and we're</p> <p>8 going to go over that in a while. But it's not just</p> <p>9 Flood Brothers. It was Waste Management and Republic.</p> <p>10 I think your ordinance was passed a couple of months</p> <p>11 later. A couple of months after you're, you know,</p> <p>12 you're going to revoke their license. So the question</p> <p>13 then is, if Flood Brothers was performing poorly</p> <p>14 enough for you to contact legal counsel to revoke</p> <p>15 their license, why did they get the garbage contract?</p> <p>16 A That's, you know, you've taken this out of</p> <p>17 context, sir. There were landlords in town. For</p> <p>18 whatever reasons, they had a 16-unit building with one</p> <p>19 dumpster there, or maybe you had a landlord that</p> <p>20 wasn't paying the bill on time, so services weren't</p> <p>21 being provided to that property. And because of that,</p> <p>22 you had overflow of trash on the streets and in the</p> <p>23 alleys. It wasn't about Flood Brothers not performing</p> <p>24 their services. It's about the people who hired Flood</p>

<p style="text-align: right;">Page 106</p> <p>1 Brothers that weren't paying them or not purchasing 2 enough dumpsters to accommodate their -- their 3 tenants. 4 Q Okay. But your e-mail to Robby and a bunch 5 of department chiefs doesn't say anything like that. 6 It says, "revoke the business licenses of these 7 sanitation vendors that can't comply with our code." 8 Isn't that what it says? 9 MS. BLAKE: Is that what the e-mail 10 said? Oh, I took it away. Hold on. 11 THE WITNESS: Sir, can I ask you a 12 question? 13 BY MR. LAROSE: 14 Q Sure. 15 A Why would it be necessary for me to explain 16 to my department heads the directive that I gave them? 17 Q I don't know. You wrote the e-mail. 18 A That's my point. 19 Q Why was it necessary? 20 A I gave them a task to perform. I didn't 21 need to explain to them why I did it. 22 Q Okay. But the document that you wrote to 23 them on March 6, 2019, doesn't say anything about the 24 landlords, doesn't say anything about less dumpsters</p>	<p style="text-align: right;">Page 108</p> <p>1 appropriate. You're also showing him partial exhibits 2 of page 36 of the double OO is a Tri-State garbage 3 can, I'm just finding. You know, so it's, you know. 4 MR. LAROSE: You've got the whole 5 double O in front of you, and you can ask him whatever 6 questions you want. My question was about his e-mail 7 and the fact that he was directly involved. I guess I 8 don't need him to admit that because he said he wrote 9 the e-mail. So let's just move on. 10 THE WITNESS: My -- my duties as mayor 11 is not totally ceremonial. You know, there are 12 responsibilities that I delegate to other people 13 because they have more knowledge, experience, and 14 expertise. But I can't help not seeing trash 15 everywhere when I'm driving around the town and 16 driving through alleys. And if I see it, I'm going to 17 inquire about it. 18 How come Code Enforcement is not citing 19 these people? How come Public Works is not cleaning 20 it up? How come the vendors are not coming to collect 21 trash out of their receptacles? 22 BY MR. LAROSE: 23 Q Okay. Speaking of the alleys, why was it 24 the policy that, for a long time, that the alleys</p>
<p style="text-align: right;">Page 107</p> <p>1 than they need, doesn't say anything about too many 2 people. It says, "to revoke the business licenses of 3 these sanitations vendors that can't comply with our 4 code." Doesn't it say that? 5 A The e-mail? Yes. 6 Q Yes. 7 A It does. 8 Q Okay. So at least to this extent, when you 9 say, "I don't get involved in these trash matters," or 10 whatever, you did get involved with this one. Right? 11 MS. BLAKE: I'm just going to -- you're 12 badgering a little bit here, Mr. LaRose. But I 13 also -- 14 MR. LAROSE: You've seen nothing yet, 15 but that was -- that was so far from badgering, it's 16 not even funny. I'm asking him that -- he did say, 17 like 10 times, "I don't get involved in that mess." 18 MS. BLAKE: Well, you -- no. You're -- 19 THE WITNESS: That's not what I said. 20 MS. BLAKE: What he was talking about 21 not getting involved at and this issue are two 22 different things. It's not fair to make that 23 comparison. You're putting your opinions and theory 24 into questions that just, you know, it's not</p>	<p style="text-align: right;">Page 109</p> <p>1 didn't get plowed? 2 A The alleys have never gotten plowed and if 3 they -- 4 Q Except for last week, right before the 5 election, right? 6 A Oh my god. 7 Q Not "Oh, my god." Were the alleys plowed 8 last week or not? 9 A Yes. People had to get out. 10 Q So people didn't have to get out before last 11 week, but last week -- and let's make it clear. It 12 was at your direction that the alleys were plowed. 13 Correct? 14 MS. BLAKE: Object to form. Incomplete 15 hypothetical. Can you please rephrase your question? 16 BY MR. LAROSE: 17 Q It was at your direction that the alleys 18 were plowed on 2/18 -- 19 MS. BLAKE: [inaudible]. 20 BY MR. LAROSE: 21 Q -- 2021? 22 A With the snowfall that we had, it would -- 23 would have been a hardship and a burden on the 24 residents to shovel out their own garages' alleys.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q So the question is, "Yes, I directed that," 2 or "No."?</p> <p>3 MS. BLAKE: The answer is what was 4 stated, Mr. LaRose. He answered your question 5 clearly.</p> <p>6 MR. LAROSE: No, he didn't. No, he 7 didn't, Erin.</p> <p>8 MS. BLAKE: Okay.</p> <p>9 MR. LAROSE: My question was, did he 10 direct it? I know it got plowed. I have pictures. I 11 have videos. I want to know whether he directed it or 12 not.</p> <p>13 THE WITNESS: Do I answer?</p> <p>14 MS. BLAKE: Yeah.</p> <p>15 THE WITNESS: Yes. I did.</p> <p>16 BY MR. LAROSE:</p> <p>17 Q And was Bracken Box hired to help in that 18 regard?</p> <p>19 MS. BLAKE: I'm just going to have a 20 standing objection to everything about what occurred 21 in 2021 relating to Riverdale's snow. It has nothing 22 to do with this case. You're going fishing. It's 23 totally irrelevant.</p> <p>24 MR. LAROSE: I'm not going fishing, and</p>	<p style="text-align: right;">Page 112</p> <p>1 A So Bracken was not the only one.</p> <p>2 Q That's fine. That's not even close to what 3 I asked. But who called in Bracken?</p> <p>4 MS. BLAKE: Object to form. Relevancy.</p> <p>5 THE WITNESS: There was a -- a team 6 effort. Anybody who was available, all hands on deck.</p> <p>7 BY MR. LAROSE:</p> <p>8 Q Okay. Did Bracken work at a discounted 9 rate?</p> <p>10 A I haven't gotten his invoice yet.</p> <p>11 Q Did they agree to work at a discounted rate?</p> <p>12 A Per our discussions.</p> <p>13 Q Who did you discuss that with?</p> <p>14 MS. BLAKE: Object to form. Relevancy.</p> <p>15 We're still talking about the snow removal a week ago, 16 right?</p> <p>17 MR. LAROSE: Who did he discuss with 18 Bracken about them working as an independent 19 contractor at a discounted rate?</p> <p>20 THE WITNESS: The initial conversation 21 was with James Bracken. The follow-up was with my 22 Fire Chief and Mr. Bracken's foreman, Sergio.</p> <p>23 BY MR. LAROSE:</p> <p>24 Q Okay. In the last month or so, you put some</p>
<p style="text-align: right;">Page 111</p> <p>1 --</p> <p>2 MS. BLAKE: You don't --</p> <p>3 MR. LAROSE: So make your relevance 4 objection, which isn't a proper objection in federal 5 court anyway. It's form of the question, and it's 6 privilege. That's it. So make your objection. Make 7 your relevance objection. And I want to know how 8 Bracken Box, that's owned by the Bracken Company, got 9 involved in the snow removal.</p> <p>10 MS. BLAKE: Object to form. Relevancy.</p> <p>11 THE WITNESS: Do I answer?</p> <p>12 MS. BLAKE: Go ahead.</p> <p>13 THE WITNESS: Bracken Box was not the 14 only vendor that we called in to work as independent 15 contractors. Affordable Trees came out and worked. 16 Independent contractors -- Thomas Watson came in to 17 work. And the Fire Chief could give you a list of 18 other people that we use for landscaping and grass 19 cutting that have pick-up trucks with snow removal 20 blades that were called in. We also had Flood that 21 came in and worked. Many of them worked at a 22 discounted rate, sir.</p> <p>23 BY MR. LAROSE:</p> <p>24 Q Did Bracken --</p>	<p style="text-align: right;">Page 113</p> <p>1 signs up on 138th Street for reelection. One sign, 2 and then next to that sign, a sign about one of your 3 opponents, Deyon Dean. You're familiar with that?</p> <p>4 MS. BLAKE: Object to form. Relevancy.</p> <p>5 What does his election have to do with your lawsuit, 6 Mark?</p> <p>7 MR. LAROSE: Well, it depends on whose 8 property he put it on, now doesn't it?</p> <p>9 MS. BLAKE: They're on a lot of 10 properties in the Village of Riverdale. He's 11 running --</p> <p>12 MR. LAROSE: Yeah.</p> <p>13 MS. BLAKE: -- for Mayor in Riverdale.</p> <p>14 MR. LAROSE: Yeah, but wouldn't he need 15 permission from the owner of the property? So I want 16 an answer to the question.</p> <p>17 MS. BLAKE: I don't know what just 18 happened to my phone. Or my screen.</p> <p>19 MR. LAROSE: Marissa, which exhibit are 20 those pictures?</p> <p>21 MS. ALASKA: The picture is Exhibit LL. 22 Double L.</p> <p>23 MS. BLAKE: Is this the snow pictures?</p> <p>24 MR. LAROSE: No. This is the sign</p>

<p style="text-align: right;">Page 114</p> <p>1 picture. Show them LL. 2 (Exhibit LL was marked for 3 identification.) 4 MS. BLAKE: I have to go get LL and get 5 my screen fixed because I really don't want to look at 6 myself this large on the screen. 7 MR. LAROSE: Hold on. We love looking 8 at you, though. So it's 1:50 -- 9 MS. BLAKE: Thanks. 10 MR. LAROSE: -- my time. Hold on. 11 It's 1:50 my time. I want to come back at 2:00. 12 MS. BLAKE: Okay. And it's LL, 13 Marissa? 14 MS. ALASKA: Yeah. Correct. Correct. 15 MS. BLAKE: All right. We'll be back. 16 MR. LAROSE: Thank you. 17 REPORTER: We are now off the record at 18 12:50 Central time. 19 (Off the record.) 20 REPORTER: We are now on the record at 21 1:06 p.m. Central time. 22 BY MR. LAROSE: 23 Q So, Mayor, these election signs that are LL, 24 do you know whose property that is that the signs are</p>	<p style="text-align: right;">Page 116</p> <p>1 Dean didn't put up a sign saying he was a tax 2 delinquent. The mayor put up a sign saying, "Don't 3 elect Deyon Dean because he doesn't pay his taxes." 4 BY MR. LAROSE: 5 Q Isn't that right, Mayor? 6 A Mr. LaRose, in the campaign, you have people 7 working for you. Sometimes they do things, and 8 they're not aware of protocol and regulations. But if 9 that was offensive to you, I can have it removed 10 today. 11 Q Okay. But it's not necessarily offensive, 12 except if somebody put a yard sign up in your property 13 that you didn't want there, it would be offensive to 14 you. In my property, it would be offensive. So -- 15 A If someone did that on my property, I would 16 remove it. 17 Q I'm sorry? 18 A If someone did that on my property, I would 19 remove it. 20 MS. BLAKE: And, honestly, this whole 21 line of questioning is so irrelevant. Someone could 22 have just called. It has nothing to do with this 23 case, Mark. 24 MR. LAROSE: Well, I'm not sure about</p>
<p style="text-align: right;">Page 115</p> <p>1 on their fence? 2 MS. BLAKE: You know what, I must have 3 grabbed II. I don't know if I have LL. Can you show 4 it to us? Can you, like, screen share? 5 MR. LAROSE: Can you see it? 6 THE WITNESS: I see the signs, but I 7 don't know the location. We've got them all 8 throughout Riverdale. 9 BY MR. LAROSE: 10 Q When you have got them all through 11 Riverdale, and they're on private property, do you ask 12 permission? 13 A Definitely. 14 Q Okay. Well, you didn't ask permission for 15 these because that property is owned by my client. 16 Could you take the signs down, please? 17 A Sure. The election is over, sir. 18 Q Yeah, but that doesn't -- it's just really 19 kind of offensive to put signs up on private property 20 without asking permission. 21 MS. BLAKE: Well, it looks like Deyon 22 Dean did it, too. But what address is that? 23 MR. LAROSE: No. No. Well, it's on 24 138th Street. It's right in front of the -- but Deyon</p>	<p style="text-align: right;">Page 117</p> <p>1 any of that. But I would certainly think that putting 2 up a sign on somebody's property that is involved in a 3 lawsuit with you saying they should reelect you could 4 certainly be construed as thumbing your nose at the 5 people that sued you. So that's what happened. 6 BY MR. LAROSE: 7 Q Deyon Dean didn't put up this sign. Right, 8 Mayor? Somebody on your behalf did. 9 A Yes. 10 Q Correct? 11 A Yes. 12 Q Okay. And as far as you know, your 13 directive to anybody who works for you would have 14 been, "Please get permission from the property owner 15 before you go hanging campaign signs." Right? 16 A Correct. 17 Q I can assure you that no one did that in 18 this case. And yeah, the election's over. 19 Congratulations. Take the signs down, please. 20 MS. BLAKE: Object to form. Causation. 21 Relevancy. It's -- 22 MR. LAROSE: No. No. It's not even a 23 question. It's a directive. 24 MS. BLAKE: From you?</p>

<p style="text-align: right;">Page 118</p> <p>1 MR. LAROSE: Take the signs down. 2 Yeah. From me. 3 MS. BLAKE: Okay. All right. We're 4 going to move on, Mark? Or are we going to -- 5 MR. LAROSE: Yeah. 6 MS. BLAKE: -- now do you can continue 7 with some directives to my client? 8 MR. LAROSE: Well, we're going to move 9 on, but -- 10 BY MR. LAROSE: 11 Q Okay. Let me ask you a question, Mayor. 12 Will you take the signs down? That's a question. 13 MS. BLAKE: Objection. Irrelevant. 14 Inappropriate. Badgering. Et cetera. No one has 15 called and told us about it before the dep. Why did 16 you save it to this point? Why didn't someone just 17 call? 18 MR. LAROSE: I could ask the same 19 question about why didn't someone call before they put 20 it up on my client's property. Mayor, here's -- 21 MS. BLAKE: You did ask that, and he 22 did answer it. Let's move on, Mark. 23 BY MR. LAROSE: 24 Q Mayor, will you take the signs down? That's</p>	<p style="text-align: right;">Page 120</p> <p>1 Q But you were part of the process to approve 2 the ordinance, at which I presented both a new letter 3 and those two letters that were written to the Zoning 4 Board. Do you remember that? 5 MS. BLAKE: Object to form and really 6 misstates the facts and evidence. He may have been 7 present at the meeting. He certainly didn't vote on 8 that ordinance. 9 MR. LAROSE: I'm sorry? 10 MS. BLAKE: He may have been present at 11 that meeting. He didn't vote on that ordinance. 12 MR. LAROSE: Because he didn't need his 13 vote to break a tie. 14 MS. BLAKE: Well, that's your 15 testimony, Mark. 16 MR. LAROSE: I'm just asking you the 17 question. Is that why you -- 18 MS. BLAKE: That wasn't a question. 19 MR. LAROSE: All righty. Let's do it 20 the other way, then. 21 BY MR. LAROSE: 22 Q Let's take a look, Mayor, at Exhibit W. 23 (Exhibit W was marked for 24 identification.)</p>
<p style="text-align: right;">Page 119</p> <p>1 a question. 2 A Yes. 3 Q Do you know who owns the retention pond on 4 138th Street? 5 A That's owned by the Cook County Board of 6 Reclamation District. 7 Q Different one. There's a retention pond 8 that's east of the old Fritz property, and there's a 9 retention pond between the old Fritz property and the 10 Riverdale Materials property. That's the one I'm 11 talking about. 12 A No. I wasn't aware of that. 13 Q Okay. So you're not aware of who owns it? 14 A I wasn't even aware that there was a 15 retention pond there. 16 Q Okay. So when my client and I appeared at 17 the public hearings on this matter and complained that 18 Riverdale Materials said they owned the retention 19 pond, but they really don't, you don't remember 20 anything about that? 21 A That was at the Zoning Board meetings? 22 Right? Zoning Board? 23 Q Right. 24 A I wasn't a part of that process, sir.</p>	<p style="text-align: right;">Page 121</p> <p>1 THE WITNESS: Okay. 2 BY MR. LAROSE: 3 Q Do you remember receiving this document? 4 A Yes. 5 Q Okay. And when you say you weren't aware 6 about the retention pond, if you look at page 3 of 7 this document, under number 6, "Applicant Testimony, 8 that it would use the on-site retention pond for storm 9 water runoff. The Truth, in fact, it does not own the 10 retention pond. It does not have the right to use 11 it." We also attached the submittals to the ZBA to 12 this document. Does this refresh your recollection as 13 to whether you knew that Riverdale Materials didn't 14 have the right to use this retention pond? 15 MS. BLAKE: Object to form. 16 THE WITNESS: Isn't that a private 17 matter between two parties? 18 BY MR. LAROSE: 19 Q Well, if you want to talk to your lawyer 20 about what's a private matter between two parties, 21 that's fine. In fact, that's why Bracken called me up 22 in the middle of the night and threatened me. But 23 that's -- that is a private matter -- 24 A You know, I had nothing to do with that.</p>

<p style="text-align: right;">Page 122</p> <p>1 I've been --</p> <p>2 Q No. No. No. I'm just --</p> <p>3 A I will not be accountable for his conduct.</p> <p>4 Q I asked this question, does this letter</p> <p>5 refresh your recollection as to whether --</p> <p>6 MS. BLAKE: Do you remember the letter</p> <p>7 from 2017?</p> <p>8 THE WITNESS: Yes. It was tendered to</p> <p>9 the Village Attorney and the Zoning Board</p> <p>10 Administrator.</p> <p>11 BY MR. LAROSE:</p> <p>12 Q No. It was hand-delivered to all of you.</p> <p>13 A Yes. And when I got my copy, I turned it</p> <p>14 over to the Zoning Board Administrator and the</p> <p>15 attorney.</p> <p>16 Q Okay. So did you read it?</p> <p>17 A Of course.</p> <p>18 Q Okay. So the question is, you can look at</p> <p>19 paragraph 6A, does this refresh your recollection as</p> <p>20 to whether you knew that Riverdale Materials didn't</p> <p>21 have the right to use that retention pond?</p> <p>22 MS. BLAKE: Object to form. I mean, he</p> <p>23 read it. In 2017. Is that what you're asking?</p> <p>24 MR. LAROSE: No. I'm asking --</p>	<p style="text-align: right;">Page 124</p> <p>1 (Exhibit E was marked for</p> <p>2 identification.)</p> <p>3 THE WITNESS: Okay.</p> <p>4 BY MR. LAROSE:</p> <p>5 Q So this is the ordinance. Ordinance Number</p> <p>6 2017 22, that approved the conditional use for</p> <p>7 Riverdale Materials over on 138th Street. Right?</p> <p>8 A Yes.</p> <p>9 Q Was that a yes?</p> <p>10 A Yes, sir.</p> <p>11 Q Okay. Take a look on page 4 under section</p> <p>12 4. So subsection 4 under that talks about the</p> <p>13 applicant having, as a condition of this ordinance,</p> <p>14 having to submit a storm water prevention plan and</p> <p>15 dust control plan to the Village Engineer. Do you</p> <p>16 know if that ever happened?</p> <p>17 A I would have to ask the Village Engineer,</p> <p>18 sir.</p> <p>19 Q Okay. When we both FOIA'd and issued</p> <p>20 discovery in this regard, the answer that we got back</p> <p>21 was, "There are no documents." Are you aware of any</p> <p>22 of that?</p> <p>23 A No. I'm not.</p> <p>24 Q I guess I stand corrected that you didn't</p>
<p style="text-align: right;">Page 123</p> <p>1 MS. BLAKE: Did you read --</p> <p>2 MR. LAROSE: I'm asking whether it</p> <p>3 refreshed his recollection because not five minutes</p> <p>4 ago did he say, "I had no idea there was a retention</p> <p>5 pond there, and I have no idea who owns it or who has</p> <p>6 a right to use it."</p> <p>7 BY MR. LAROSE:</p> <p>8 Q My question is, does this refresh your</p> <p>9 recollection?</p> <p>10 A I remember getting this document. If you're</p> <p>11 asking me if I remember every detail in the document,</p> <p>12 no. I do not, sir.</p> <p>13 Q So as you sit here today, you have no</p> <p>14 recollection as to whether there was even a retention</p> <p>15 pond there or who had the right to use it?</p> <p>16 MS. BLAKE: Asked and answered.</p> <p>17 THE WITNESS: I answered your question,</p> <p>18 sir.</p> <p>19 BY MR. LAROSE:</p> <p>20 Q Answer it again then, please.</p> <p>21 A I don't remember the details of this</p> <p>22 document. I remember receiving it.</p> <p>23 MR. LAROSE: Let's go to -- what</p> <p>24 exhibit was that, Marissa? Exhibit E.</p>	<p style="text-align: right;">Page 125</p> <p>1 actually vote on Exhibit E. But you certainly signed</p> <p>2 it. Right?</p> <p>3 A Yeah. I have a responsibility to sign it.</p> <p>4 The Board enacted it.</p> <p>5 Q What do you know about the history of the</p> <p>6 property that is now owned and run by Riverdale</p> <p>7 Materials?</p> <p>8 A My knowledge of that property is that it was</p> <p>9 abandoned, and we were looking to get it back on the</p> <p>10 tax rolls.</p> <p>11 Q Do you know Charles Fritz?</p> <p>12 A No, sir.</p> <p>13 Q Do you know anyone at Huron Valley Steel?</p> <p>14 A No, sir.</p> <p>15 Q So you don't know anything about the</p> <p>16 contaminated nature of the property?</p> <p>17 MS. BLAKE: Object to form.</p> <p>18 THE WITNESS: The Engineer would have</p> <p>19 more knowledge about that. The Village Engineer.</p> <p>20 BY MR. LAROSE:</p> <p>21 Q I guess my question was, do you have any</p> <p>22 knowledge about it?</p> <p>23 A Pertaining to what, sir?</p> <p>24 Q The contaminated nature of the property?</p>

<p style="text-align: right;">Page 126</p> <p>1 A No.</p> <p>2 Q The Montana & Welch, it's kind of back to</p> <p>3 this payment thing. So we know my client had a</p> <p>4 contract says they get paid in 15 days. One of the</p> <p>5 testimonies by Gonzalez was, "Well, there's a lot of</p> <p>6 people didn't get paid. Montana & Welch didn't get</p> <p>7 paid. GW and Associates didn't get paid. Engineers</p> <p>8 didn't get paid." So I looked back at all those</p> <p>9 records. Question: does Montana & Welch have a</p> <p>10 contract that says when they're supposed to get paid?</p> <p>11 MS. BLAKE: Object to foundation. Do</p> <p>12 you know what the contract says?</p> <p>13 THE WITNESS: I don't remember. I</p> <p>14 don't have it in front of me.</p> <p>15 MR. LAROSE: That's all he needs to</p> <p>16 say. I mean, we don't need to make big -- he can only</p> <p>17 testify to what he testifies to.</p> <p>18 BY MR. LAROSE:</p> <p>19 Q So the question was, do you know whether the</p> <p>20 Montana & Welch contract or if there is one, has a</p> <p>21 provision for the timing of payments?</p> <p>22 A I don't know. I -- I --</p> <p>23 Q And that's fine. Second question. Same</p> <p>24 thing with GW and Associates.</p>	<p style="text-align: right;">Page 128</p> <p>1 A Yes.</p> <p>2 Q Why? Why was that passed?</p> <p>3 MS. BLAKE: Object to legislative</p> <p>4 privilege. Don't answer.</p> <p>5 MR. LAROSE: So he's a public official.</p> <p>6 He's involved in the passage of an ordinance. He's</p> <p>7 involved in a lawsuit, and I say, "Why?" and you say,</p> <p>8 "Legislative privilege"?</p> <p>9 MS. BLAKE: Well, number one --</p> <p>10 MR. LAROSE: Good luck with that.</p> <p>11 MS. BLAKE: Mark, I've read up on it.</p> <p>12 I'm aware of it. It's been used before. This was a</p> <p>13 Board decision. You're asking the reason why Board</p> <p>14 decisions were made. That's not allowed. It's not</p> <p>15 allowed.</p> <p>16 BY MR. LAROSE:</p> <p>17 Q Did you have any personal involvement in</p> <p>18 that, Mayor?</p> <p>19 A In what, sir?</p> <p>20 Q Passing the ordinance that required</p> <p>21 multi-family units to use Flood Brothers.</p> <p>22 A Are you saying personal involvement or</p> <p>23 official involvement?</p> <p>24 Q Personal involvement.</p>
<p style="text-align: right;">Page 127</p> <p>1 A Same. I don't know.</p> <p>2 Q Same thing with, can't remember the name of</p> <p>3 the Village Engineers, but same question with respect</p> <p>4 to them.</p> <p>5 A I -- I don't know.</p> <p>6 Q For a long period of time, Jerome Russell</p> <p>7 was signing off on and coding the invoices for trash</p> <p>8 pickup. Later on, sometime later on, when Flood</p> <p>9 Brothers was doing the trash pickup, Andie Randolph</p> <p>10 was --</p> <p>11 MR. LAROSE: Is that the name, Marissa?</p> <p>12 Is that the correct name?</p> <p>13 BY MR. LAROSE:</p> <p>14 Q Andie Randolph was coding and signing and</p> <p>15 signing off on those invoices. Do you know why?</p> <p>16 MS. BLAKE: Object to relevancy.</p> <p>17 THE WITNESS: I wouldn't know the</p> <p>18 reason why there was a change, but Ms. Randolph does</p> <p>19 have the authority to code bills for all departments.</p> <p>20 BY MR. LAROSE:</p> <p>21 Q Okay. So at some point in time, the Village</p> <p>22 passed an ordinance requiring the multi-family</p> <p>23 non-commercial mixed-use buildings to use Flood</p> <p>24 Brothers. Do you remember that?</p>	<p style="text-align: right;">Page 129</p> <p>1 A No. I have no personal interest in that.</p> <p>2 Q Okay. Then people started complaining about</p> <p>3 their bills, and you passed another ordinance that</p> <p>4 said that if they -- kind of paraphrasing -- if they</p> <p>5 appealed to the Village and could show that they're</p> <p>6 now paying more than they used to pay, that they got</p> <p>7 some kind of discount or something like that. Do you</p> <p>8 remember that ordinance?</p> <p>9 A Yes.</p> <p>10 Q Did you have any personal involvement in</p> <p>11 that one?</p> <p>12 A No.</p> <p>13 Q Was that one passed because the people that</p> <p>14 were paying the bills now to Flood Brothers were</p> <p>15 paying more than they used to pay to their other</p> <p>16 contractors?</p> <p>17 MS. BLAKE: Objection. Legislative</p> <p>18 privilege. It's a Board decision. You're asking for</p> <p>19 the reason behind it.</p> <p>20 BY MR. LAROSE:</p> <p>21 Q Were you aware that Tri-State had existing</p> <p>22 contracts to service multi-family residential units</p> <p>23 within the Village of Riverdale prior to the time that</p> <p>24 the ordinance requiring these buildings to use Flood</p>

<p style="text-align: right;">Page 130</p> <p>1 Brothers was passed?</p> <p>2 A When we --</p> <p>3 REPORTER: Wait</p> <p>4 THE WITNESS: --enacted the</p> <p>5 ordinance --</p> <p>6 REPORTER: I cannot -- I'm sorry. Can</p> <p>7 you repeat that? For some reason, your voice is</p> <p>8 reverberating, and I can't get all the --</p> <p>9 MR. LAROSE: Me or him?</p> <p>10 THE WITNESS: Can you hear me better?</p> <p>11 REPORTER: Yes.</p> <p>12 THE WITNESS: When the board enacted</p> <p>13 that ordinance, we had multiple sanitation companies</p> <p>14 in town. Republic, Waste Management, and a few</p> <p>15 others, along with Tri-State. And they all voiced</p> <p>16 concerns about having the Village designate one vendor</p> <p>17 to collect sanitation.</p> <p>18 BY MR. LAROSE:</p> <p>19 Q How did Flood Brothers' pricing on these</p> <p>20 multi-family residential units compare to the other</p> <p>21 vendors?</p> <p>22 MS. BLAKE: I'm going to object to</p> <p>23 foundation. You just tell him you don't --</p> <p>24 THE WITNESS: I don't know.</p>	<p style="text-align: right;">Page 132</p> <p>1 BY MR. LAROSE:</p> <p>2 Q So whenever that was. And I want to say in</p> <p>3 the fall of '17 and has continued today. But sometime</p> <p>4 prior to then, my question is, were you aware that</p> <p>5 Tri-State was plowing the alleys so that it could</p> <p>6 remove the trash?</p> <p>7 A I wasn't aware of that.</p> <p>8 Q Okay. After 2017, when Tri-State tried to</p> <p>9 do that, continue to do that, they were told by</p> <p>10 Russell that they couldn't. "Don't do that. Let the</p> <p>11 alleys go unplowed." Were you aware of that?</p> <p>12 A No.</p> <p>13 Q Okay. So then we get back to the fact that</p> <p>14 you directed these alleys to be plowed a couple weeks</p> <p>15 ago, in admittedly, a lot of snow, man. A lot of</p> <p>16 snow, and same thing here, same thing at my house in</p> <p>17 Chicago. As much as we've had in a long time. But</p> <p>18 the reason for that, I guess what I'm trying to get at</p> <p>19 is, we've had a lot of snow before, and you didn't</p> <p>20 want it -- not you, the Village didn't want Tri-State</p> <p>21 to plow. Now we get a lot of snow, and the Village</p> <p>22 not only wants it plowed but employs independent</p> <p>23 contractors to do that. What changed?</p> <p>24 MS. BLAKE: Object to form. Relevancy.</p>
<p style="text-align: right;">Page 131</p> <p>1 BY MR. LAROSE:</p> <p>2 Q So are you aware that for several years</p> <p>3 before, as you said, things kind of went south, that</p> <p>4 Riverdale would plow the alley so that they could</p> <p>5 remove the trash? I'm sorry. Tri-State would plow</p> <p>6 the alley so that they could remove the trash.</p> <p>7 MS. BLAKE: Object to form. I just</p> <p>8 don't know what time period you're talking about.</p> <p>9 I --</p> <p>10 MR. LAROSE: Well, I think the mayor</p> <p>11 said that things turned for the worse or something</p> <p>12 like that, I'm paraphrasing, in early 2018 or late</p> <p>13 2017. So prior to that time, before things --</p> <p>14 MS. BLAKE: Prior to the financial</p> <p>15 things? Is that what we're talking about?</p> <p>16 MR. LAROSE: Sorry?</p> <p>17 MS. BLAKE: Are we talking about the</p> <p>18 financial difficulty of the Village in 2017, 2018?</p> <p>19 MR. LAROSE: No. No. No. He said</p> <p>20 that things went worse with Tri-State. That's what</p> <p>21 we're talking about.</p> <p>22 MS. BLAKE: Oh. See, that's what</p> <p>23 I'm -- I was totally confused.</p> <p>24 MR. LAROSE: No. That's fine.</p>	<p style="text-align: right;">Page 133</p> <p>1 BY MR. LAROSE:</p> <p>2 Q What changed, Mayor?</p> <p>3 MS. BLAKE: You need to answer that</p> <p>4 question.</p> <p>5 THE WITNESS: I wasn't aware that</p> <p>6 Tri-State was plowing the alleys. You know what, I've</p> <p>7 been involved in elected office in Riverdale for 12</p> <p>8 years now. I'm not aware of them ever doing that. I</p> <p>9 do know that this last snowstorm we had was very</p> <p>10 crippling to the town, and we had to take some</p> <p>11 unprecedented steps to make sure that our utility</p> <p>12 vehicles and emergency vehicles can get through the</p> <p>13 roads and get to people in cases of emergency.</p> <p>14 MR. LAROSE: Okay. Give me a minute</p> <p>15 here. I want to just review this one document, and</p> <p>16 then we'll move on. So this is all done. That's all</p> <p>17 done.</p> <p>18 BY MR. LAROSE:</p> <p>19 Q So when Riverdale Materials was coming into</p> <p>20 town, you did put a sign close to their property</p> <p>21 saying something like, "Another business brought to</p> <p>22 the Village of Riverdale by Mayor Jackson." Do you</p> <p>23 remember something like that?</p> <p>24 A Yes, sir.</p>

<p style="text-align: right;">Page 134</p> <p>1 Q Okay. Did they give you a campaign 2 contribution in order for you to put that sign up, or 3 -- Let's back up. It's a dumb question. Does that 4 refresh your recollection as to whether Riverdale 5 Materials as a company gave you a campaign 6 contribution? 7 A I've never taken a political campaign 8 contribution from Riverdale Material. I have received 9 them from Tri-State, and I didn't have a sign up at 10 their business. 11 Q Okay. And you're not sure if you received 12 campaign contributions from any of the Bracken family, 13 or Bracken Box, or any of their other companies? 14 A That's not what you asked me, sir. 15 Q No, I asked you quite a long time ago, and 16 you told me that you weren't sure. 17 MS. BLAKE: Well, it's been asked and 18 answered. It's in the record, so let's move on. 19 MR. LAROSE: Okay. But now he's saying 20 that's not what he said. So what do you want to say 21 now? 22 MS. BLAKE: That's not what's going on 23 here. 24 MR. LAROSE: No. It is what's going</p>	<p style="text-align: right;">Page 136</p> <p>1 individual with the last name Bracken." 2 MS. BLAKE: It's because he's confused 3 by your question. 4 MR. LAROSE: Yeah. Maybe he is. I 5 said the Bracken family. I don't know. How about the 6 Blake family, or the LaRose family, or the Alaska 7 family? It's a pretty simple effing question. Okay? 8 And I think I'm getting dicked around about this. 9 It's a simple question. So let's get to it. Let's 10 get to it. 11 BY MR. LAROSE: 12 Q Did you receive any campaign contributions 13 that you're aware of from any companies owned by the 14 Brackens? 15 MS. BLAKE: Different question. 16 MR. LAROSE: Yes. It is. 17 THE WITNESS: Now if you're asking me 18 if I received campaign contributions from any company 19 owned by the Brackens, yes. 20 BY MR. LAROSE: 21 Q And that's a different answer than you gave 22 me before. But that's fine. 23 MS. BLAKE: It's not. 24 MR. LAROSE: Well, it is because he</p>
<p style="text-align: right;">Page 135</p> <p>1 on. He just said that's not what I said. So if it's 2 not what you said, then it doesn't matter what the 3 record said, because if he wants to change his 4 testimony, then I want to know that. 5 MS. BLAKE: No. I think you're 6 mischaracterizing the testimony, and he was trying to 7 correct it. And I'm telling you it's in the record. 8 He's already answered. Let's just move on. 9 BY MR. LAROSE: 10 Q Do you recall whether you received campaign 11 contributions from Bracken Box, any of the Bracken 12 family, or any of their companies? 13 A What do you mean, Bracken family? 14 Q Jim Bracken, his father, his wife, his 15 daughter, his dog, the Bracken family. Come on. 16 A I have never received any contributions from 17 an individual named Bracken. I have never received 18 any campaign contributions from Riverdale Materials. 19 Now if you're asking me if I received -- 20 MS. BLAKE: Don't. 21 THE WITNESS: Okay. 22 MS. BLAKE: Let him ask the question. 23 BY MR. LAROSE: 24 Q Okay. You make me nervous when you say, "an</p>	<p style="text-align: right;">Page 137</p> <p>1 said he didn't know. He said possibly. But that's 2 okay. 3 MS. BLAKE: It's all irrelevant to me. 4 MR. LAROSE: Yeah. Hold on. I've got 5 to let the dogs in. Sorry, and thanks for your 6 patience. Duty calls. All right. Hold on. I'm 7 still going through this list. 8 REPORTER: Ms. Blake, do you want to 9 unmute yourself? 10 BY MR. LAROSE: 11 Q Okay. Let's move on to number two. You're 12 aware that Tri-State pays royalties to the Village. 13 Right? 14 MS. BLAKE: Sorry. 15 MR. LAROSE: That's all right. 16 BY MR. LAROSE: 17 Q Mayor? 18 A Yes, sir? 19 Q As far as you know, did they ever delay any 20 payments in payment of the royalties to the Village? 21 A I'm not sure. I wouldn't have that 22 information. Meaning I don't handle account 23 receivables. 24 Q So no one informed you that you're aware</p>

<p style="text-align: right;">Page 138</p> <p>1 that Tri-State was ever late with the royalty 2 payments? 3 A No. I've never gotten a report that 4 Tri-State was late. 5 Q So the Village Board, once they get this 6 warrant list, votes on paying the bills. Right? Or 7 approving payment of the bills? 8 A Okay. 9 Q Is that right? 10 A Can -- can you repeat your question? 11 Q Sure. Once the Village Board gets this 12 warrant list of outstanding invoices, then at the next 13 meeting, they vote on approving, not necessarily 14 paying at that time, but approving for payment, those 15 bills. Correct? 16 A That's correct. 17 Q Okay. Are you aware in the eight years that 18 you've been mayor whether the Board ever disapproved 19 any invoices that were on the warrant list? 20 A Not in my eight years as mayor, but I can 21 tell you as a Trustee, we've had to make motions to 22 amend the amounts or strike certain vendors from the 23 warrant list. 24 Q Okay. And you were a Trustee for what, four</p>	<p style="text-align: right;">Page 140</p> <p>1 this, second page, it talks about a Thursday, December 2 22, 2016, meeting with Jeff, and David Gonzalez, and 3 you. Do you remember that meeting? 4 A Yes. 5 Q And is that the one where Jeff was talking 6 to you about taxes and royalties? 7 A I remember the conversation. I don't know 8 the particular date that we talked about it, but we 9 did have a meeting about it, and it did involve Mr. 10 Gonzalez. 11 Q Okay. And your best recollection is that at 12 no meeting with Sheryl and Jeff, or Jeff, there was 13 discussions about Riverdale Materials. 14 MS. BLAKE: Object to the 15 mischaracterization of the testimony. You keep going 16 back over the same things and then testifying for him 17 in your questions. 18 MR. LAROSE: Well, it's a question, and 19 you see, Erin, and I know you know this, when you say, 20 "Isn't it true that" and you ask the question, then I 21 am testifying and asking him if it's true or not. And 22 you're one of the finest young lawyers I know, so 23 let's just stop messing around. 24 MS. BLAKE: I appreciate flattery, but</p>
<p style="text-align: right;">Page 139</p> <p>1 years before that? 2 A 2009 to 2013. 3 Q Okay. So 2009 to 2013, you were a Trustee. 4 '13 until now, you're the mayor. Right? 5 A Correct, sir. 6 MR. LAROSE: Take a look, Erin, at 7 Exhibit P as in Paul, please. 8 (Exhibit P was marked for 9 identification.) 10 MS. BLAKE: Is this the Tri-State 11 calendar? 12 MR. LAROSE: Yes. 13 MS. BLAKE: Okay. 14 THE WITNESS: Okay. 15 BY MR. LAROSE: 16 Q So if you look, on the first page of this, 17 it looks like there was a scheduled meeting at the 18 Village with Sheryl and Jeff and supposedly you on 19 September 22, 2016. Do you remember that meeting 20 occurring? 21 A I don't remember this particular meeting, 22 but I had several meetings with Jeff and Mrs. Germany 23 over the years. 24 Q Okay. If you look at the second part of</p>	<p style="text-align: right;">Page 141</p> <p>1 I do have to advocate for my client. And I just -- 2 MR. LAROSE: And you're doing a great 3 job, but you're being obstructionist. So now that I 4 showed him a piece of paper that might refresh his 5 recollection as to meetings and what was said, I'm 6 just making sure that he wants to stick to his 7 testimony that he never talked to them about Riverdale 8 Materials. 9 MS. BLAKE: That wasn't his testimony. 10 Or was it? I don't -- 11 THE WITNESS: No. No. 12 MS. BLAKE: -- remember at this point. 13 I don't even know. 14 THE WITNESS: No. Mr. LaRose, what you 15 just showed me does not refresh my memory. 16 MS. BLAKE: There we go. 17 MR. LAROSE: That's fine because his 18 other testimony stands absolutely crystal clear that 19 he didn't talk to them about it. That's his story, 20 and he's sticking to it. "Anywho." 21 BY MR. LAROSE: 22 Q In your meetings with Riverdale Materials, 23 did you also meet with their lawyers Daley & Georges? 24 A Yes.</p>

36 (Pages 138 - 141)

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1 Q Michael Synowiecki?

2 A Yeah. I know Mr. Synowiecki.

3 Q Was he there in the meetings?

4 A I don't recall. No.

5 Q Who was there in the meetings with Riverdale

6 Materials from Daley & Georges?

7 A Me and Mr. Synowiecki met at another time.

8 It wasn't at the Village Hall.

9 Q Okay. So maybe I'm getting confused. When

10 you met with Synowiecki, was it with Riverdale

11 Materials or Jim Bracken or separate from them?

12 A It was at a fundraiser I had.

13 Q Okay. And was that the only time you met

14 with Synowiecki?

15 A To the best of my knowledge, yes.

16 Q Anybody else from Daley & Georges did you

17 meet with, with respect to Riverdale Materials?

18 A No. The only person I know from Daley &

19 Georges is Michael Synowiecki.

20 Q Okay. Did they make campaign contributions

21 to you?

22 A I believe so.

23 Q Him personally, or the firm?

24 A The firm.

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1 Q The trucking business that you and your wife

2 are in -- I might have asked you this before, I

3 apologize -- do you do business with Flood Brothers?

4 A No. But you know what, let me refer to

5 that, sir. To my knowledge, we don't. Remember, I

6 told you, I don't handle the day-to-day operations of

7 that.

8 Q I'm totally cool with that. I can only ask

9 you what you know.

10 A Thank you.

11 Q The companies that were servicing the

12 multi-family units prior to the ordinance requiring

13 them to use Flood Brothers were billing directly to

14 those buildings. Are you aware of that?

15 A That's correct.

16 Q And after the ordinance was passed, the

17 invoices were issued by the Village. Are you aware of

18 that?

19 A I'm sorry, sir. Had to stand up.

20 Q No. I hear you. It's been a long day.

21 We're getting there. After the ordinance was passed,

22 rather than the Flood Brothers issuing the invoices,

23 the Village issued the invoices. Were you aware of

24 that?

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1 A Billing for multi-family dwelling is now

2 attached to your water bill.

3 Q Do you know why that was changed?

4 A Yes.

5 Q Why?

6 A As I stated earlier, we had a lot of

7 landlords and property owners that were irresponsible.

8 They -- they weren't paying the sanitation bills on

9 time. Some of them were only providing one dumpster

10 at 12, 15-unit properties. And so we wanted to

11 regulate this a little better to get the town cleaner.

12 But, you know, there's one other important to this as

13 well. By including multi-family dwellings, we were

14 able to get a lower rate from Flood.

15 Q On the multi-family, or on everything?

16 A Overall.

17 Q Okay. So these minutes that Erin referenced

18 earlier about, it was like March of '18 that

19 authorized someone to notify Tri-State that their

20 contract was not going to be renewed. I think it was

21 March 27. I read through those real quickly, and I

22 think I know the answer to this, but I want to be

23 sure. It says on that day that Gonzalez was appointed

24 Village Treasurer. You had told me earlier that you

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1 thought he had been, you know, Finance Director or

2 whatever as long as you had been there. So was this

3 Village Treasurer thing just some add-on title to

4 functions that he was already doing?

5 A So when you asked me that question earlier,

6 I said about seven years. It may have been six or

7 seven years. He has not been with me the entirety of

8 both terms. The Treasurer spot, along with the Budget

9 Director, Finance Director, all of those are

10 interchangeable. He was nominated by me and appointed

11 by the Board, and there's an ordinance or resolution

12 approved by the Board allowing him to serve in that

13 capacity.

14 Q Yeah, and that's my question because that

15 resolution was March 27, 2018. So is that the first

16 time he had those interchangeable titles?

17 A He was on before that.

18 Q Okay. So back to what I thought. He was

19 doing informally, you know, without an official

20 appointment, what he was later appointed to do.

21 Something like that?

22 A That's -- that's not --

23 MS. BLAKE: Object to form.

24 THE WITNESS: I'm sorry, Erin.

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1 MS. BLAKE: No. That's okay.

2 THE WITNESS: That's not possible, and

3 I'm going to tell you why. You have someone handling

4 municipal funds, public funds. We have to be on

5 record as to who's responsible for that. It would

6 have had to have been an ordinance enacted allowing

7 him to serve in that role.

8 BY MR. LAROSE:

9 Q Okay. So I'm looking back at this, and we

10 haven't marked it as an exhibit, and I guess we could,

11 but it's what Erin directed us to earlier, which were

12 the minutes of the March 27, 2018 meeting. When I

13 look at item number two, it says, "A resolution of the

14 Village of Riverdale, Cook County, Illinois appointing

15 David Gonzalez as Village Treasurer. Mayor Jackson

16 entertained a motion to adopt, motion by Trustee

17 LeVere and seconded by Trustee Lewis. Roll call, all

18 yeas, no nos. So --

19 A Okay. Okay.

20 Q I just want to know when he officially took

21 over these, you know, bill-paying responsibilities.

22 A So what -- what happened, sir, when I was

23 reelected in 2017, I'm not confident, but most likely,

24 you know, that I renominated him for his position, you

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1 know --

2 Q So he was probably nominated before then,

3 and then renominated, like, department heads, like

4 often gets done when there's new elections. Right?

5 A The Police Chief, the Fire Chief, the

6 attorneys, they're appointed for four-year terms and

7 serve at the pleasure of the Mayor, and when the term

8 expired, I renominated them.

9 Q Best decision you ever made was to

10 renominate Erin. All right. That straightens that

11 out. Now I know Dave Gonzalez firm get, like, I think

12 it's 14,000 a month, maybe it's 12,000 a month. I

13 think it's 14 as their pay. Does Dave Gonzalez get

14 separate pay? I can't remember whether I asked him

15 this. I think he said he doesn't, but does he get

16 separate pay as the Finance Director or the Treasurer?

17 A He receives no additional compensation.

18 Q In addition to the, whether it 12- or

19 14,000? I think it's 14,000 a month. Am I right on

20 that?

21 A I would have to look at his contract, but

22 that sounds about right.

23 Q Okay. Bear with me here. Trying to get

24 through this and make it shorter. So this whole issue

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1 with Ms. Ship and her term being up and her being

2 replaced in the middle of these ZBA hearings, I know

3 what your response was in interrogatories. We can

4 look at them if you want to. In fact, let's do that

5 just so I don't get accused of putting words in your

6 mouth.

7 MR. LAROSE: Look at Number N, Erin.

8 Letter N. N as in Nancy.

9 (Exhibit N was marked for

10 identification.)

11 BY MR. LAROSE:

12 Q Mayor, don't let anybody accuse us that us

13 SIU people confuse numbers with letters. We're

14 actually smarter than that. Do you know when I came

15 here as a lawyer in 1982, I had to fight my way into

16 the city of Chicago because all they thought we did in

17 Carbondale was party and smoke weed?

18 A I've heard that before.

19 Q Which was not necessarily -- the statute of

20 limitations is passed on that, so it's not necessarily

21 completely untrue.

22 MS. BLAKE: This is the one that

23 he's --

24 MR. LAROSE: So you got N?

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1 MS. BLAKE: Yeah.

2 MR. LAROSE: Okay.

3 BY MR. LAROSE:

4 Q So look at number 5, answer number 5. By

5 the way, Letter N is the Village's response to the

6 plaintiff's first set of interrogatories, and on page

7 7 of that, you verified the response under oath.

8 Correct?

9 A Yes.

10 Q All right. So take a look at paragraph 5.

11 And that directly relates to Ms. Ship. And I

12 understand what you're saying there, but my question

13 is, she was allowed to participate in the first two

14 hearings and then replaced. Why at that time?

15 A She served until I was able to find someone

16 competent to replace her.

17 Q Well, did you think it was a good idea to

18 cut her out in the middle of the hearings and to being

19 in somebody new that didn't hear the testimony before

20 that?

21 MS. BLAKE: I'll just object to form.

22 BY MR. LAROSE:

23 Q Mayor?

24 A Yes, sir.

<p style="text-align: right;">Page 150</p> <p>1 Q Was that "Yes, sir. I thought it was a good 2 idea," or "Yes, sir. I'm listening." 3 A Yes, I'm listening. Can you go with the 4 question? 5 Q Yeah. No problem. Did you think it was a 6 good idea to let her go in the middle of the ZBA 7 Process regarding Riverdale Materials, where she had 8 her testimony, at least on two occasions, voiced some 9 objection, and then let her go and bring in somebody 10 else that hadn't heard the testimony. 11 A I didn't think it was a bad idea. Her term 12 had expired. 13 Q Okay. Fair enough. 14 MS. BLAKE: We need to take a break for 15 the bathroom. 16 MR. LAROSE: Yeah. That's fine. Yeah. 17 No problem. And we're getting pretty close. I would 18 say we have less than an hour left. So it's, I got 19 2:57, that's my time, it would be 1:57 your time. How 20 about 2:10, and then I can feed my dogs too. 21 MS. BLAKE: Okay. Sounds good. 22 MR. LAROSE: All right. Thank you. 23 REPORTER: We are now off the record at 24 1:57 Central time.</p>	<p style="text-align: right;">Page 152</p> <p>1 then, if I'm not done, I'm really close to being done. 2 MS. BLAKE: Okay. 3 MR. LAROSE: Okay. Five minutes. 4 REPORTER: We're off the record at 2:15 5 Central time. 6 (Off the record.) 7 REPORTER: We're now on the record at 8 2:25 p.m. Central standard time. 9 MR. LAROSE: Just a couple more 10 questions unless has Erin has questions. Then I might 11 have to ask more, but anyway. 12 BY MR. LAROSE: 13 Q So Hancock Engineering had a -- I don't 14 know, principal, employee, somebody affiliated with 15 them -- named Paul Flood. Do you know that 16 individual, Mayor? 17 A Yes, sir. 18 Q Okay. Do you know whether he's any relation 19 to Flood Brothers? 20 A Not at all. I've asked him that, and he 21 said there's no relation that he's aware of. He said 22 he -- from the company. 23 Q Okay. So he didn't have anything to do with 24 recommending Flood Brothers or anything like that?</p>
<p style="text-align: right;">Page 151</p> <p>1 (Off the record.) 2 REPORTER: Okay. We are now on the 3 record at 2:14 p.m. Central time. 4 MR. LAROSE: Just so that the record's 5 clear, let's go ahead and mark these minutes of the 6 March 27th meeting as Q, as in Q, Q. We'll get those 7 to you, Victoria. 8 REPORTER: Okay. That's QQ? Double Q? 9 MR. LAROSE: Q as in Q and Q as in Q. 10 REPORTER: Okay. 11 (Exhibit QQ was marked for 12 identification.) 13 MR. LAROSE: If there was a B and a B 14 in front of it, it would be barbeque, barbeque. Three 15 twenty-seven, what is it, eighteen Board meeting. 16 Okay. All right. Erin, I assume you don't have any 17 objection to that? 18 MS. BLAKE: No. I don't have the 19 minutes, though. 20 MR. LAROSE: So I know that you guys 21 took a break, and we might have to take another break 22 because you didn't consult with Marissa and Jeff 23 during the break, but I think I might be done. So 24 let's take another just five minutes, right? And</p>	<p style="text-align: right;">Page 153</p> <p>1 A Not at all. 2 Q And did Hancock have anything to do with 3 recommending Flood Brothers? 4 A Not at all. 5 Q Okay. 6 MR. LAROSE: Erin, that's all I have. 7 MS. BLAKE: Okay. I have no questions, 8 either. So do you want me to explain signature to 9 him? 10 MR. LAROSE: Yes, and let me explain 11 another thing. If she's not asking any questions of 12 you, that means that you did a really good job. If 13 she felt compelled to ask questions of you, that means 14 you screwed up somehow. So bravo, Mayor, you did a 15 really good job. So explain, Lucy, what the signature 16 thing is. 17 MS. BLAKE: So you can reserve 18 signature if you want to read this transcript. You 19 would only be able to make grammatical and punctual 20 changes. You can't make any substantive changes to 21 your testimony. Or you waive testimony and trust that 22 Ms. Victoria got everything done right and that I'll 23 review it for you. 24 THE WITNESS: I defer to you.</p>


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1 MS. BLAKE: Okay. We'll waive
2 signature.
3 MR. LAROSE: Okay. And that's what the
4 other fellows did, too. So, Victoria, I'm going to
5 order this just on a regular basis, the same way we
6 did last time. I don't know, ten days or whatever. I
7 don't remember how we ordered it. You know, an e-mail
8 and a mini, or whatever the heck it was. Whatever we
9 got the last time, that's what I want this time.
10 REPORTER: Okay. All right. Thank you
11 very much.
12 MS. BLAKE: And I'll take a PDF,
13 please.
14 REPORTER: Oh, you'll order, too?
15 Okay.
16 MR. LAROSE: It's her star witness.
17 She has to order it.
18 REPORTER: Okay.
19 MR. LAROSE: Mayor, thanks a lot for
20 your time. Congratulations on the reelection.
21 THE WITNESS: Thank you, sir.
22 MS. BLAKE: All right. Thanks,
23 everybody. Take care.
24 MR. LAROSE: You're welcome. All


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1 right. Bye-bye.
2 REPORTER: All right. We are now off
3 the record at 2:27 p.m.
4 (Signature waived.)
5 (Whereupon, at 2:27 p.m., the
6 proceeding was concluded.)
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1 CERTIFICATE OF NOTARY PUBLIC
2 I, VICTORIA ROCK, the officer before whom
3 the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in the
16 outcome of this action.
17 
VICTORIA ROCK
18 Notary Public in and for the
19 State of Illinois
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1 CERTIFICATE OF TRANSCRIBER
2 I, NATASCHA WISE, do hereby certify that
3 this transcript was prepared from the digital audio
4 recording of the foregoing proceeding, that said
5 transcript is a true and accurate record of the
6 proceedings to the best of my knowledge, skills, and
7 ability; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.
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15 NATASCHA WISE
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